

















ADDITIONS  
TO THE  
HISTORICAL MEMOIRS  
RESPECTING THE  
ENGLISH, IRISH, AND SCOTTISH  
CATHOLICS,  
FROM THE REFORMATION,  
TO  
THE PRESENT TIME.

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BY CHARLES BUTLER, Esq.  
OF LINCOLN'S-INN.

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—— Errat longè, meâ quidem sententiâ,  
Qui imperium credit gravius esse aut stabilius  
Vi quod fit, quam illud, quod amicitîâ adjungitur.

TERENCE.

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ΦΩΝΑΝΤΑ ΕΠΙΕΙΚΕΣΙ.

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VOL. IV.

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TO THE  
HISTORICAL MEMOIRS  
OF THE  
*ENGLISH CATHOLICS,*  
&c.  
SINCE THE  
REFORMATION.

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CHAP. LIV.

CHARLES THE FIRST.

1625.

PRELIMINARY OCCURRENCES CONNECTED WITH  
THE HISTORY OF THE ENGLISH CATHOLICS  
DURING HIS REIGN.

THE English catholics entertained some hopes of an amelioration of their condition, while the marriage of prince Charles with the infanta of Spain was in agitation. The negotiations for it, and the wish of the monarch that the catholics might be relieved from the severer part of the penal code against them, were announced by him to his parliament in the speech, with which, in 1621 he opened the sessions. “As touching religion,”

said his majesty, “ laws enough are made already.  
 “ It stands on two points, persuasion and compul-  
 “ sion : men may persuade, but God must give the  
 “ blessing. Jesuits, priests, puritans and sectaries  
 “ erring both on the right hand, and on the left  
 “ hand, are forward to persuade unto their own  
 “ ends ; and so ought you, the bishops, in your  
 “ example and preaching : but compulsion to obey  
 “ is to bind the conscience.—There is a talk of a  
 “ match with Spain ; but, if it shall prove a fur-  
 “ therance to (her) religion, I am not worthy to  
 “ be your king. I will never proceed, but to the  
 “ glory of God, and content of my subjects\*.”

This was conciliating language ; but it produced no effect. “ The protestants,” says Fuller †, “ grieved at the match, fearing that the marriage would be the funeral of their religion ; and their jealousies so descanted thereon, that they suspected, if taking effect, more water of the Tyber than of the Thames would run down London bridge.” With these feelings the commons presented an address to his majesty, representing the alarming growth of the Austrian power, the confederacy of the catholic princes on the continent, the increase of catholics in England and their expectations of advantage from the Spanish match : they urged his majesty to make war with Austria, to execute with severity the laws against the catholics, and to marry his son to a protestant princess. The king answered by a letter to the

\* Rushworth, vol. i. p. 21. Dodd, vol. ii. p. 444.

† Church History, l. x. p. 100.



speaker, expressed in terms, which increased the flame\*.

The account of the journey of prince Charles to Spain belongs to the general history of England; some particulars of it, however, may properly find a place in these pages. The king was aware of the jealousy, which his subjects entertained of the match: "The matter of religion," he observed in one of his despatches to lord Digby, his ambassador at Madrid, "is to us, of most principal consideration: for nothing can be to us dearer than the honour and safety of the religion, which we profess. And therefore, seeing that this marriage, if it shall take place, is to be with a lady of a different religion from us, it becomes us to be tender, as on the one part, to give them all satisfaction convenient, so, on the other, to admit nothing that may blemish our conscience, or detract from the religion here established†." He recommended to the chaplains of the prince not to engage unnecessarily in religious controversy; and, in case of a challenge, to act on the defensive. He directed them to appropriate an apartment for the celebration of the divine service; to have it respectably fitted up, that prayers should be said twice a day; that, "in the sermons, there should be no polemical preachings; that they should only apply themselves to preach, in moral lessons, Christ crucified;" and that they should take with them many copies of the thirty-nine articles,

\* Rushworth, p. 40, 43. Dodd, vol. ii. p. 446, 448.

† Collier's Ecc. Hist. vol. ii. p. 726.

the books of common prayer in many languages,—and,—the king's own works in English and Latin.

To recommend his son to the Spanish court, he issued an order to the lord keeper\*, in which he signified it to be his intention to grant pardons to all roman-catholics, who should sue for them, within five years. By his directions, Williams, the bishop of Lincoln and lord privy seal, published an apologetical address†; excusing this measure on the ground that the king had been making applications to all foreign princes for some indulgence to the distressed protestants in their dominions, and that he was still answered by objections derived from the severity of the English laws against catholics. “ Besides,” says the lord keeper, “ the papists are “ no otherwise out of prison, than with their “ shackles about their heels, and good recogni- “ zances to present them at the next assizes.”—After all, to copy one of the many excellent remarks of Hume‡, “ it might occur to James, that, if the “ extremity of religious zeal were ever to abate “ among christian sects, one of them must begin ; “ and that nothing would be more honourable to “ England, than to have led the way in sentiments “ so wise and moderate.”

The manner, in which the prince was treated both by the Spanish court and the Spanish nation, did them the highest honour. Sensible of the confidence, which he had reposed in them, they never

\* Dodd, vol. ii. p. 439.

† Rushworth, vol. i. p. 63. Dodd, vol. ii. p. 448.

‡ Chap. xlix.

availed themselves of his situation to importune him on the subject of religion, or to require more than decent terms, upon that or any other account. The pope addressed to the prince a letter in terms of affection and respect: his holiness expresses in it, with elegance and delicacy, his sense of the personal merit of the prince; he commends his predecessors for their piety and regard to the apostolic see, invites him to follow their example, and concludes with a wish, couched in paternal language, for his glory and prosperity. The prince answered his holiness, in kind though general terms, expressing regard and promising moderation in all his conduct towards that portion of his subjects, who were in communion with the holy see\*.

On account of the difference in religion, a dispensation for the marriage between the prince and the infanta was necessary. To dispose the pope towards it, James relaxed the execution of the penal laws against the catholics. Several jesuits and secular priests were discharged from imprisonment, the prosecutions against recusants were stopped, and a general spirit of religious indulgence was discovered. Much offence was taken at these symptoms of moderation: a letter to James, attributed by some to Abbot, archbishop of Canterbury, by others, to Matthews, archbishop of York †, was extensively circulated; it reproached the king in coarse terms, with his intended toleration, of the

\* Rushworth, vol. i. p. 78. Dodd, vol. ii. p. 441, 442, 444.

† Cabbala, p. 108. Dodd, vol. ii. p. 463.



roman-catholic religion, and dissuaded him from marrying his son to the infanta, or any catholic princess.

The match, however, proceeded: the articles were agreed to: the free exercise of the catholic religion was secured to the infanta and her attendants: the arrangements were not on a larger plan, than her rank evidently required: but the king agreed by secret articles to procure a free and liberal toleration of the catholic religion: the dispensation from the pope arrived, and all obstacles seemed to be finally removed, when the duke of Buckingham, in an evil hour, prevailed on the king and the prince to break off the treaty for the marriage. It was accordingly dissolved, and in the most unhandsome manner. Both the monarch and his son acted in this shameful business with a total disregard of truth and honour: the advocates of the prince defended him by attributing his conduct to the fatal ascendancy, which the impetuous and domineering character of Buckingham had obtained over him: still they could not but feel that, if this apology was received, the gentleness of Charles must be admitted to approach nearly to pusillanimity.

It is observable that, very soon after the treaty for the marriage with the infanta was thus disposed of, James, in answer to an address of the commons, urging a severe execution of the laws against the catholics, affirmed, with the solemn asseveration of an oath, that he never had any thought of granting

them a toleration of their religion. Now, at this very time, or at least very soon after, he entered into a treaty for the marriage of his son, with the celebrated Henrietta-Maria, the princess of France; and the basis of this treaty was the adoption of the articles, which had been concluded on the projected marriage of his son with the infanta.

Every thing respecting the marriage with Henrietta was settled in the life-time of James :—it was solemnized soon after his decease. The priests, who accompanied her to England, were of the religious order called the Oratorians \*. As that order, though it partakes of the nature both of the regular and of the secular clergy, does not, in strictness, belong absolutely to the one or to the other, it was thought likely to prove less offensive than either, to the English nation. But, by the desire of the queen, the oratorians were soon sent back to Paris, and capucins substituted in their place. Lodgings and a

\* See “ the Memoirs of Monsieur Deageant, containing the  
“ most secret transactions and affairs of France, from the  
“ death of Henry IV. till the beginning of the ministry of the  
“ cardinal de Richelieu. To which is added, a particular  
“ relation of the archbishop of Embrun’s voyage into England,  
“ and of his negotiation for the advancement of the roman-  
“ catholic religion here; together with the duke of Bucking-  
“ ham’s letters to the said archbishop about the progress of  
“ that affair which happened the last years of James I. his  
“ reign. Faithfully translated out of the French original.  
“ London, 8vo. 1690.”—The relation of the archbishop begins  
at page 228 : Mr. Carte in a note to his History of England,  
(vol. iv. p. 129,) shews that it is entitled to little credit, if any.

chapel in Somerset-house had been prepared for the priests who should attend the infant ; these, were now assigned to the capucins \*.

Though the facts, which we have mentioned in this chapter, with the single exception of the solemnization of the marriage of Charles, took place during the reign of his father, yet, as Charles was the person, principally interested in them, and his marriage with a catholic princess, had a considerable influence on the events, to which the subject now immediately leads us, we thought that the present was the most proper place for the insertion of them.

\* Collier's Ecc. Hist. vol. ii. p. 733. Heylin's Examin. Hist. p. 199. The celebrated Berulle, afterwards raised to the purple, was among the priests, who accompanied Henrietta-Maria to England. (See *Histoire de Pierre Berulle, Cardinal de la saint eglise Romaine, &c.* par M. Tabaraud, 2 vols. 8vo. Paris, 1817.)—If we credit this writer, the queen met with an unkind reception from the English ; and the articles, which allowed to her majesty and her attendants the free exercise of their religion, were not honourably complied with.



## CHAP. LV.

ECCLESIASTICAL OCCURRENCES AMONG THE  
ENGLISH CATHOLICS DURING THE REIGN OF  
CHARLES I.—BISHOPS,—CHAPTERS,—EXEMP-  
TIONS OF REGULARS.

THE appointments of doctor Bishop and of doctor Richard Smith his successor to the dignity of a bishop in partibus, with the faculties of a bishop in ordinary, have been mentioned: the subject now requires us to present our readers with some facts and observations, I. On the nature and extent of their powers: II. On the chapters appointed by them: III. On the exemption of the regular clergy from episcopal jurisdiction; IV. And on the contests between doctor Smith and the English regulars respecting these exemptions.

## LV. 1.

*Nature and extent of the powers of Bishops in partibus  
with ordinary jurisdiction.*

WHEREVER the duties of the divine mission of the apostles carried them, they appointed bishops over the flocks, whom they brought into the christian fold. Thus, in an early age of christianity, it became an universal rule that each distinct diocese,

of which the church was formed, should have its particular bishop ; and that no bishop should exercise acts of episcopal jurisdiction in the diocese of another, without his consent \*. Conformably to this general rule, the council of Trent, decreed †, that no bishop should, under any pretence, exercise episcopal jurisdiction, in another diocese, without the permission of its ordinary.

The word “ ordinary ” is used in the canon law, to denote indiscriminately, either the bishop himself, or the person, who exercises, for the time being, episcopal jurisdiction in his stead. When bishops in partibus were appointed in the manner which has been mentioned, they were said to have that jurisdiction over the persons entrusted to their care, which a bishop would have had over them, if they had been the flock of that diocese.

This material distinction subsists between a bishop so appointed, and a bishop in ordinary, that, in respect to the district, over which ordinary jurisdiction is conferred on him, the latter is considered to hold his office by original right, and to exercise its functions of his own authority ; the former is considered to hold his office by delegation, and to be removable at the pleasure of the pope, his instituant. This was particularly expressed in the briefs ‡ by

\* See the ancient canons collected by Gratian, d. g. 1. can. 7.

† Sess 6. cap. 5. de ufor.

‡ Dodd, vol. iii. p. 7. The brief addressed to doctor Bishop is dated 23 March 1623.—That to doctor Smith dated 4 February 1625.

which doctor Bishop, and, after him, doctor Smith were appointed bishops of Chalcedon, with ordinary jurisdiction over England and Scotland. The popes granted them “ at the goodwill of themselves “ and the holy see, licence and faculties, to use and “ enjoy all the faculties given by their predecessors “ Clement VIII and Paul V to the archpriests, and “ all, which ordinaries use and enjoy in their own “ cities and dioceses.” They were empowered to hear and determine causes in the first stage; but the hearing of them in the second, that, is by way of appeal, was reserved to the nuncio at the French court.

They were authorized to appoint archdeacons : it was directed that the powers should cease on the restoration of the catholic religion \*.

Doctor Bishop erected a chapter, consisting of a dean and twenty other members, to be considered as his standing council; he also appointed five vicars general, and twenty-six archdeacons and rural deans. In the instrument, by which he constituted the dean and chapter, he confers on them all the authority, which deans and chapters have by common right : but with an express reservation of due reverence to the apostolic see; and an intimation that he had made an application to the pope, to supply, by the plenitude of his power, whatever might be defective in the institution. He appears to have consulted and advised on this occasion, with Herman Ottemberg, formerly au-

\* Dodd, vol. ii. p. 466. vol. iii. p. 7, 8.



ditor of the congregation of the Rota, at Rome, and afterwards bishop of Arras.

On the death of doctor Bishop, the dean and chapter constituted by him, exercised during the vacancy of the see, if this expression may be used, the jurisdiction which had been conferred on them by doctor Bishop\*.

Doctor Smith, soon after his appointment, confirmed, and, in some manner, newly modelled the chapter, by letters patent dated the 16th March 1627. He afterwards recalled them, and renewed the ancient chapter, by an instrument, dated the 13th January 1625, but limited the number of its members to thirty†.

#### LV. 2.

*The right of doctor Bishop and doctor Smith to appoint a chapter.*

IN the early ages of christianity, the bishop generally conferred on every matter of importance, with the neighbouring clergy‡: St. Augustin and Eusebius of Vercelli, lived in common with their clergy, as monastics. In the eighth century, St. Chrodegandus, the bishop of Metz, formed the clergy of his own church into a community, and established certain rules for their conduct. At a council held at Aix-la-Chapelle, in 815, an

\* Dodd, vol. ii. p. 470.

† Dodd, vol. iii. p. 7, 8.

‡ Thomassin, *Traité de la discipline ecclesiastique*, tom. i. lib. iii. cap. 7, 8.

outline of them \*, was prescribed for general use. The rules thus formed were called the canon of St. Chrodegandus, and the cathedral clergy, from their observances of these rules, were called canons †. The same rules were observed by some other churches, and these received, from this circumstance, the appellation of collegiate churches. This excellent institution began to fall into decline towards the middle of the tenth century ; those who continued to observe it were called regular canons. By degrees, they separated themselves from the service of the cathedral, and were formed into an order, holding a kind of middle state between the secular clergy and the monastics. Those, who did not adopt the rule, remained attached to the cathedral service, and were called secular canons. They appropriated to their own use, a portion of the property attached to the cathedral, subdivided it among themselves, living separately as persons absolutely secular. To assist them in the performance of their cathedral duty, and, too often, to excuse themselves from its obligations, they employed stipendiary ecclesiastics, who acquired the appellation of minor canons.

The greater canons constituted the chapter,—a political body aggregate, with a dean, with a common seal, generally with some property, and an officer called a syndic to transact their temporal concerns. By common right, they are subject to the jurisdiction of the bishop ; but

\* Fleury, *Hist. Ecc.* tom. x. p. 304.

† Dec Tresme, under this word.

have frequently been exempted from it, by papal indulgences. The cardinal of Lorraine said, at the council of Trent\*, that “ he did not know of “ plague more noxious in the church, than the “ exemptions.”

The rights and duties of the chapter vary according to the situation of the see :—when the see is *full*, the bishop, in some instances, advises, or is supposed to advise, with the chapter ; in other cases he cannot act without their consent ;—when the see is *vacant*, the chapter generally administers the spiritual functions of the bishop, in all matters, in which episcopal order is not necessary ; they have the care of the possessions of the see ; and, where the common right has been retained, nominate the successor. During three months after the vacancy of the see takes place, they generally abstain, as much as the case admits, from the exercise of the episcopal powers ; if the vacancy continues beyond three months, the see is said to be *under impediment*, and the powers of the chapter, are then supposed to come into full action.

Such being the nature of a chapter, two questions arise,—whether doctor Bishop and doctor Smith had a right to appoint a chapter,—and whether the chapter so appointed subsisted beyond the lives of the prelates, who appointed them.

Now it seems to be admitted that, according to the discipline of the catholic church, a bishop is the ordinary of a see, in which there is no chapter, he has an inherent authority to establish one ; and that the

\* Pallavicini, Hist. Conc. Fred. lib. xxii. cap. iii. n. 6.



chapter so appointed will be invested, in the instant of its establishment, with all the qualities and powers, which belong to chapters of common right. Such being the inherent authority of a bishop in ordinary, and the prelates, whom we have mentioned, having all the authority of such a bishop, it seems to follow, that they had the power of appointing a chapter. It is true that the powers of the prelates were only delegated : but the powers delegated to them were those, of a bishop in ordinary ; they had therefore a delegated power of appointing a chapter : the difference was, that the ordinary would have appointed the chapter, in virtue of the right inherent to his see ; but the two vicars apostolic appointed it in virtue of a power delegated to them, among the general powers, with which they were invested.

The question then is, of what see, or of what prelate they were the chapter ? Confessedly not of the see of Chalcedon, or of its bishop, so far as he was the ordinary of that see. They formed, therefore, a chapter exercising capitular jurisdiction in the territory, over which the prelates were authorized by the holy see to exercise ordinary jurisdiction, and the chapter was invested with the stability and permanency, with which it would have been invested, if it had been founded by an actual bishop in ordinary ; still, liable, however, to be suspended or extinguished by the pope. This,—for we are not now discussing extreme cases,—was another material distinction between the chapters

appointed by the two bishops, and the chapter of a bishop in ordinary.

Between the formation of the chapter, and the appointment of vicars apostolic, in the reign of James I. the dean and chapter exercised numerous acts of capitular jurisdiction. In fifty-three instances, they have addressed, by that style, the holy see, or its congregations, its cardinals, and its nuncios; and received communications from them. The popes frequently mentioned and never disapproved of them.—We have cited the congratulatory letter of the consult of cardinals to doctor Bishop, on his establishment of the chapter. It is observable that, on the arrival of the infanta of Portugal, afterwards the queen of Charles II, at Portsmouth, the lord Aubigné, a priest, obtained the leave of the dean to marry them, and afterwards performed the ceremony. The notarial act of their marriage, stated that it was solemnized by virtue of faculties derived from the chapter; it was signed by all the persons present, and five copies of it taken.—His grace the archbishop of Canterbury, then declared them to be lawfully married\*; but they were never in a protestant church, or by a protestant clergyman.

\* See the “Abstract of the Transactions relating to the English secular clergy,” in which all these circumstances are methodically collected.

## LV. 3.

*The Claims of the regular Clergy to exemption from episcopal jurisdiction.*

ALL religious orders have certain exemptions from the jurisdiction of their respective bishops; and, so far as this exemption reaches, there is no intermediate jurisdiction between them and that of the apostolic see. Such exemptions from episcopal jurisdiction were altogether unknown to antiquity. They were introduced by degrees: several instances of exemption are mentioned in the decree of Gratian\*; but some of the authorities, which he adduces in support of them, appear supposititious; others relate merely to the internal discipline of the convents, such as the choice of abbots and the subordinate officers of the community, or similar matters of internal regulation, with which the interference of the bishops was unnecessary. No genuine document anterior to the eleventh century has yet been produced, which proves that any description either of the regular or secular clergy was then exempted from episcopal authority.

From this time exemptions rapidly increased: and it is not a little remarkable that St. Bernard† and St. Francis of Assisium‡, whose spiritual children

\* Caus. xviii. c. 2.

† De Moribus et Officiis Episcop. c. 9. De Cons. lib. iii. cap. 4.

‡ Baronius, ad an. 676.



afterwards luxuriated in exemptions, deplored the introduction, and lamented, not to say condemned, the too frequent multiplications of them. Some attempts were made, at each council of Lateran, and afterwards at the council of Vienne, to repress them : a similar attempt was made at the council of Constance; all were unsuccessful; but the last forced from pope Martin v. the promise of a bull for their regulation. A similar attempt was repeated at the council of Trent, and was more favourably received: for though, as we are informed by Pallavicini \*, it was contended, that, “ one of  
“ the great advantages, which the community of  
“ the religious orders carries with them, lies in  
“ this, that it upholds the authority of the apostolic see, according to the institution of Christ  
“ and the good of the church, as it is evident,  
“ that to preserve itself, every monarchical government, must have, in every province, a very efficient body of men, immediately subject to the  
“ prince, who governs it, by himself and without any  
“ intermediate interfering power,”—still the council narrowed the exemptions of the regulars by numerous limitations. It provided, that they should not preach or hear confessions, even in the churches of their order, without the leave of the diocesan, and that they should be subject to him, in all that concerned the administration of the sacrament of the church, the public functions of the ministry, and the observance of fasts, feasts and public cere-

\* Hist. Con. Trid. l. xii. c. 13, s. 8.

monies. If a regular offended against the faith or discipline of the church, the bishop, if the offender resided out of the monastery, might himself punish him; if he were within it, the prelate might order the superior to punish him, within a limited time; and, on the neglect of the superior, might deprive him of his office \*. It is admitted that exemptions, being privileges, and consequently against common right, are to be construed strictly;—but, though the allowance of them derogates from the law, still, as soon as they are allowed, they become part of the law, and should, as such, be legally recognized.—This short view of the nature of the exemptions of regulars from episcopal jurisdiction appeared necessary for the intelligence of the present and some future pages of this work.

#### LV. 4.

*Contest on Exemptions between doctor Smith and the regular Clergy.*

THE exemption claimed by the regulars, which was most unpleasant to Dr. Smith, was their pretension to the right of hearing confessions, without the permission of the ordinary†. Their title to this important exemption was recognized by Boniface VIII,

\* Sess. 6, c. 3.—Sess. 7, c. 1.—Sess. 23, c. 8, 10, 15.—Sess. 25, c. 4, 14.—Some of these points will require and receive notice in a future part of this work.

† See the *Memoires Chronologiques et Historiques du Pere d'Avrigni*, vol. i. p. 307.

qualified by Benedict X, restored to its ancient extent by Clement V, and confirmed by the council of Vienne and the fifth council of Lateran : but the council of Trent \* directed that “ the religious  
 “ should not hear the confessions of the laity without the approbation of the bishop ; or, if he  
 “ required it, without a previous examination by  
 “ him.”

This council not having been received in France, as to discipline, some regulars contended, that no such previous approbation was necessary in that kingdom ; but this assertion was unanimously condemned in 1656, by the French bishops ; and the see of Rome afterwards repeatedly † ratified their censure. The differences on this and other points in contest between the prelacy and the regulars had, before this time, risen to such an height, that, in 1633, cardinal de Richelieu assembled at Paris, the superiors of most of the religious houses in that city, and caused them to sign, under his eye, a declaration, by which “ they acknowledged, in the  
 “ names of themselves and of all the religious of  
 “ their respective orders, whose assent they undertook to procure, that they could not and ought  
 “ not to preach without the approbation of the ordinaries ; and that these had a right to revoke their  
 “ permission, whenever they should deem it proper

\* Sess. 23, ch. 13. Pius V. announced it by the bull *Romani pontificis*.

† By St. Pius V, in his constitution, “ *Romani pontificis*,” 1 ; —Urban VIII, in his constitution, “ *Cum sicut accepimus*,” 192 ; —Clement X. in his constitution, “ *Superna*.”



“ on account of the notorious incapacity of the  
“ party, or to prevent public scandal:—but they  
“ supplicated, at the same time, that, when such a  
“ measure should be thought necessary for securing  
“ the useful and worthy administration of the sa-  
“ craments, the prelates would not resort to it  
“ before they had informed the superior of the  
“ causes of the revocation, that he might take the  
“ proper measures; yet that, on his neglect, the  
“ bishop himself might proceed, in the manner  
“ suggested.” This recognition was signed by the  
superiors of the dominicans, augustinians, friars  
and jesuits: but it left untouched the question re-  
specting confession.

Doctor Smith arrived in London in May 1625  
and was received with respect, both by the clergy  
and laity. Some time after his arrival, doubts were  
started whether the decree of the council of Trent  
and the bull of Pius had not rendered it necessary,  
that the regular as well as the secular clergy of  
England should obtain the approbation of the pre-  
late to qualify themselves canonically for hearing  
confessions; and whether the want of these had not  
invalidated the confessions, which they had heard.  
Doctor Smith convened a meeting of the superiors  
of the benedictine monks and jesuits, and intimated  
to them his opinion, that no person should hear a  
confession, without the previous approbation of the  
ordinary: still, with a view to prevent disputes, he  
offered, as a provisional measure, that should not  
prejudice the merits of the question, to grant a  
general leave of hearing confessions to all the regu-

lars, who should be approved by their respective superiors. This pacific suggestion was not accepted, and a war of words and pamphlets ensued. Father Rudisend Barlow, the superior of the benedictine monks, having published a treatise, in support of the exemption claimed by the regulars, in which he exceeded the moderation of just defence, it was condemned at Rome as scandalous and erroneous, and the printed copies of it were ordered to be burned\*.

But it had been extensively circulated even among protestants; and it greatly indisposed several persons of each communion against the prelate. Suggestions were insinuated that he intended to establish a court, that should take cognizance of marriages, testaments and other matters, which, in foreign countries, are assigned to the jurisdiction of bishops in ordinary. Upon this, father Rudisend Barlow in the work, which we have just mentioned, laid great stress; he described it “as a new tribunal, as an ecclesiastical jurisdiction highly offensive to his majesty, and all the protestants of the kingdom,” and moved that “his majesty should, by a public edict, prohibit all his subjects under pain of death, from receiving into their houses, or assisting in any manner the bishop of Chalcedon, or any of his officials; and order them immediately to discover and denounce them to the magistracy, as dangerous and turbulent men and as enemies to his majesty and his temporal govern-

\* Dodd, vol. iii. p. 157.

“ment.” The bishop modestly replied to this charge: he observed that “the church had both an “external and an internal court;” that, “as “the external court can bind notorious and scandalous sinners, by censures, deprivations and suspensions, which is a pure spiritual authority, so “likewise, in catholic countries, it decides divers “litigious causes, and inflicts temporal as well as “spiritual mulcts and punishments, and is vulgarly “called the bishop’s court:” he declared that “he “pretended not in the slightest degree to the last, “but that the former was his essential due.”

Thus there had not been the least ground for father Barlow’s violent charge; but it considerably increased the general irritation. The catholics were divided; all the secular clergy sided with the bishop, all the regulars took part against him; the laity were split into similar parties, the protestants were scandalized, offended and disgusted, and government, at length, took the alarm. On the 11th December 1628, a proclamation was issued for the apprehension of doctor Smith. This obliged his lordship to abstain from the exercise of his functions, and to live in great retirement. The clamour however continued, and, on the 24th of March, in the following year, a second proclamation for his apprehension was issued, with an offer of 100 *l.* to any person who should apprehend him \*. Upon this second proclamation, he retired to the house of the French ambassador; and thus sheltered, he exer-

\* Dodd has inserted both proclamations, vol. ii. p. 143.



cised unobservedly, during some time, his episcopal functions. But clamour pursued him into his retreat, he endeavoured to appease it by flight, and repaired to Paris, and continued to govern his flock by his grand vicars.

A remonstrance against him and some of his measures was attempted to be procured : sir Thomas Brudenel, sir Toby Matthews, and sir Basil Brooke, took a very active but not a very accurate part in obtaining signatures to it. With such as could be obtained, it was forwarded to Rome ; but it was soon followed by a counter remonstrance, more numerously and respectably signed.

The opposition continued ; and its violence increased. It appears that, when doctor Smith arrived in England, he, as doctor Bishop his predecessor had done, assumed the title of ordinary of England and Scotland. This might be an error ; but at most it was venial ; for, as the pope had given them the power, it was natural for them to consider that they should bear the name of ordinary. Cardinal Bellarmine in his correspondence with bishop Smith had given him that title ; and the cardinals Bentivoglio, Lodovici, and Campiani, and the nuncio at Brusselles directed their letters to him as ordinary of England and Scotland. Other cardinals, and father Rudisend, president of the English congregation of benedictines, father Leander, its prior, father Joseph de S<sup>to</sup> Martino, provincial of the province of Canterbury, in his own name, and in that of father Bede, provincial of the province of York, addressed him by the same title ; it was given

him in the agreement signed by him and the superiors of the benedictines ; and finally, the instructions, which were sent to him by the pope for the regulation of his conduct, described him as ordinary both of England and Scotland. At a subsequent time, however, he was admonished by the pope's nuncio at Paris to drop the style of ordinary ; and this was afterwards enjoined him by two decrees of the congregation *de Propagandâ Fide*. These also declared that the regulars were not obliged to apply to him for leave to hear confessions ; yet that his approbation must be obtained for the administration of what are termed the three parochial sacraments, baptism, matrimony and extreme unction.

A bull to the same effect was also said to have issued from Rome, by Urban VIII. From its first word,—it was styled the bull “*Britannia*,”—doubts were entertained of its authenticity, or at least of its canonical validity : the writer has not found it in any bullarium ; he believes, that, the terms of it had been settled, and that it had passed through all the regular stages ; but that in consequence of a remonstrance from the secular clergy, backed by the queen, it never was promulgated, and therefore had not, even in the Roman court, the force of a legal instrument.

No objection appears to have been made to the insitution of the chapter : neither does the see of Rome seem to have interfered, in any other respect, with doctor Smith's administration of his diocese. Cardinal de Richelieu favoured him and his cause : his eminence bestowed on him the abbey de Char-

roux : the prelate devoted the whole of the income, which he derived from it, except a small portion, which was appropriated for his decent support, to purposes of religion and charity. Still, his adversaries were too attentive to him ; they prevailed on the cardinal de Mazarin, the successor of Richelieu, to take from the worthy prelate, his abbey. On this distressing circumstance, for it left him without adequate means of subsistence, and afflicted many an object of his actual bounty, he was received by the English nuns of the order of St. Augustin in Paris, in the foundation of whose convent he had taken a principal part. They allowed him an apartment in a neighbouring house, which belonged to them. There, he spent his last years in prayer and quiet ; and died in 1655, in the eighty-fifth year of his age \*.

In the controversy, in which this prelate engaged, he found an able advocate in doctor Kellison, the president of the English college at Douay. His work, " On the Ecclesiastical Hierarchy," is written with learning and moderation ; but some passages in it, apparently excluding the regulars from the hierarchy, were thought to be too loosely expressed. In father Knott, the superior of the English jesuits, who wrote under the name of Smith, and in father Floyd, another English jesuit, who wrote under the name of Daniel a Jesu, doctor Kellison had able antagonists : but the works of both the jesuits were condemned by the archbishop of Paris,

\* [See Dodd, vol. iii. Richard, bishop of Chalcedon, p. 4,—Life, p. 76. Records, 138.



and afterwards by the Sorbonne. Two other publications of father Floyd, under the name of Hermannus Loemelius, were attended with more serious consequences: they produced the celebrated work of the abbé de St. Cyran and M. de Barcos, his nephew, intituled *Petrus Aurelius*. Few works have been received on their first appearance, with greater applause; few at this time are less read; but it may be considered as the signal of that war of the press, which was carried on between the jesuits and the jansenists, from the time of which we are now speaking, till the present.

In 1635, this remarkable work was solemnly approved by the assembly of the clergy of France, after deliberating upon it, by provinces. In 1641, 1642, 1645, and 1646, the assembly printed, at its own expence, separate editions of it, for general distribution, and, by their direction, M. Godeau bishop of Vence, prefixed to the last of them a pompous eulogium of the performance:—the assembly also decreed its author, a gratification of 13,000 livres. These facts seem to prove that it was a work of extraordinary merit:—but M. l'Advocat\*, whose opinion in this instance cannot be questioned, justly appreciates it, when he says, that, “if a person were to take away its invectives and its slanders of the jesuits, very little of it would remain.” He declares that “a small work published on the same subject by M. Hallier was written with much greater learning and ability.”

\* Dictionnaire, art. Cyran.

The clergy however pursued their triumph : the bishops summoned the French jesuits to appear before them ; the fathers disavowed the works of their two English brethren, and expressed a strong wish that they had not been written.

The court of Rome, had, with its usual prudence, endeavoured to stop the controversy, while it was in its earliest stage : the congregation of the Index issued in 1633, a decree, by which it suppressed all writings in print or manuscript, upon the subject, or relating to it, in any manner, and forbade the faithful to write, to print, or even to dispute upon it : the pope afterwards confirmed the prohibition, and added the penalty of excommunication, to be incurred *ipso facto*, reserving absolution from it, except at the hour of death, to the holy see. But the congregation professes to express no opinion on the merits of the case, or the works of the writers.—We have seen how little attention was shewn to this decree, by the clergy of France ; and it is evident from the continuation of the controversy on both sides, and the manner, in which it was conducted, that, in England, quite as little attention was shewn to it, by either party.

## CHAP. LVI.

MISSIONS OF FATHER LEANDER A SANCTO MARTINO,—AND SIGNOR GREGORIO PANZANI FROM THE SEE OF ROME INTO ENGLAND.

1634.

WE have seen that the marriage of Charles I. with Henrietta-Maria of France, produced a correspondence of courtesy between the pope and the monarch. Each used expressions and each probably felt sentiments of esteem and regard for the other. To avail himself of this opening for the service of the catholic cause, to obtain an exact notion of the differences between the secular and the regular clergy, by which it was so much prejudiced, and to enable himself to find an effectual remedy for them, Urban VIII, who then filled the Roman see, a man of talent, piety, learning and prudence, determined on sending an accredited agent to England.

The project was favoured by sir Francis, afterwards lord Cottington, and sir Francis Windebank: the former was under-treasurer, and chancellor of the exchequer, the latter was secretary of state: both were distinguished for their ability and loyalty; both suspected of having, before this time, embraced the roman-catholic religion, and both made an actual profession of it openly when they died \*.

\* Dodd, vol. iii. p. 47, 59.



## LVI. 1.

*Father Leander.*

THE first person, of whom the pope made choice for the important commission, we have mentioned, was father Leander a Sancto Martino. He was educated at Oxford, where he formed a friendship with archbishop Laud, which subsisted through their lives. Having entered into the benedictine order, he was appointed professor of Hebrew and divinity, prior of the monastery in Douay, and, on two occasions president of the English benedictine congregation of Mount Cassino. To this, and to the general cause of the English catholics he was sincerely attached; he appears to have been conciliating in his manners, and to have possessed wise and liberal principles. Lord Clarendon's State Papers\* contain several letters from him to the pope, to cardinal Bentivoglio, cardinal Barbarini and secretary Windebank, and several other epistolary documents of importance, respecting the English catholics. His correspondence with the pope and cardinals is in the Latin language; the style of it is remarkably clear and elegant.

\* "State Papers collected by Edward earl of Clarendon, commencing from the year 1621, containing the materials, from which his history of the great rebellion was composed, and the authorities on which the truth of his relation is founded. 3 vols. fol. Oxford, at the Clarendon printing house, 1767."

He arrived in London \* in the spring of the year 1634, and passed by the name of Jones †, which was that of his family, or by that of Scudamore or Skidmore. Some time after his arrival, he wrote a letter to cardinal Bentivoglio ‡, in which he mentions, that two subjects, at that time, engaged the attention of the catholics, and split them into parties, the oath of allegiance proposed by James I, and the appointment of one or more prelates over them. He notices two publications, one for the oath, and the other against it ; he says they were written by two roman-catholic gentlemen of distinction, and that the former || was much approved, and the latter as much condemned by the king §. He observes

\* Cla. State Papers, vol. i. p. 106.

† Under this name an account is given of him by Dodd, vol. iii. p. 112.

‡ Cla. State Papers, vol. i. p. 129.

|| The title of the work is, “ A pattern of Christian Loyaltie : whereby any prudent man may clearly perceive in what manner the new oath of allegiance, and every clause thereof, may, in a true and catholike sense, without danger of perjurie, be taken by the roman-catholikes : and all the chief objections, which are usually made against the said oath, either in particular or in general, may according to the grounds of the catholike religion bee easily answered. Collected out of authours, who have handled the whole matter more largely. By William Howard, an English catholike, 4to. London, 1634.”

§ The writer has not been able to ascertain the title of this publication, or its author,—but, suspects it was the work of father Courtenay, which Leander notices in the following terms. (Cla. State Papers, vol. i. p. 258.) “ *Remarks upon*

that the latter contains some reprehensible passages, particularly on the power of the people to dethrone

*“ some passages of Mr. Courtenay’s book against the oath of  
“ allegiance.*

“ In his fourth argument :

I. “ ‘ That it is a matter of faith believed by all catholics,  
“ that the pope, by his spiritual authority, can authorize  
“ princes to make war, invade, and depose for spiritual ends.’

“ In his last argument :

“ ‘ That the pope hath an undoubted power to depose both  
“ spiritual and temporal.

“ ‘ That, whatsoever power the pope hath to deprive princes  
“ of their kingdoms and titles, or by authorizing of war for  
“ cause of religion ;’ (for he supposeth the only cause of re-  
“ ligion to be a sufficient title of war ;) ‘ he hath much more  
“ to deprive them of their subjects’ allegiance.

“ ‘ From whence it clearly followeth, that, if the pope,’ by  
“ whom he saith all catholics are to be governed in matters of  
“ conscience and religion, ‘ should depose the king, authorize  
“ princes to invade him, absolve his subjects from their alle-  
“ giance, for cause of religion, and command them not to  
“ obey, but to take part with those princes, if he will not de-  
“ sist to put in execution the penal laws made against ca-  
“ tholics, they are bound, or at leastwise may lawfully rebel  
“ against him.’—Which to say, is, in my judgment, high trea-  
“ son ; and to persuade others, by public writings, to believe  
“ the same, is plain sedition.

“ In his ninth argument :

II. “ ‘ That the temporal commonwealth, in some cases of  
“ extremity, can deprive princes of their royal dignity for  
“ temporal causes ; and, that it hath the same power to take  
“ it away, which it had to give it, and to make it elective or  
“ successive, as it shall appear best, in case of extremity.’—  
“ Which assertion is, in my judgment, very dangerous.



the sovereign, and to alter the established succession, and, on this account, had indisposed the king against the catholics. To appease him, the friends of the catholics recommended that the pope should open a conciliating correspondence with his majesty: "Some attention," they observed, "was due from the pope to the English catholics, who had suffered more for the authority of the Roman see, than all the other faithful of the church; some attention also was due to the king, on account of the veneration, which he professed for the pope. His holiness writes to the pagan monarchs in

" In his third argument :

III. " 'That no person, (nor the king himself, because he is not the law-maker, but the king and parliament,) can add any exception against the general prohibition of the law:—Which is not, at least, well expressed in the law by sufficient words, to declare the intention thereof in that behalf; and, that the king alone was not the law-maker, but the king and parliament.'—Which quite overthroweth the king's supreme judicial authority to interpret laws, and his sovereign prerogative power to make them.

" In his second, eleventh, and seventh arguments :

IV. " ' That whosoever taketh the oath incurreth formal heresy, idolatry, and high treason.'—Whereby he also taxeth the king of incurring formal heresy and idolatry, and commanding high treason.'

V. " ' That his arguments have satisfied his majesty :' and it is a common bruit among catholics, and divers say, that they are unanswerable."

" *In Mr. Preston's hand ; and endorsed by Windebanck.*"

No person can be surprised at the king's indignation at this work, or at his displeasure with the pope for not having condemned it.

“ India, to the schismatic sovereigns of Abyssinia :  
“ why should not his holiness address letters of  
“ equal kindness to his Britannic majesty ? His  
“ holiness tolerates the rejection of his deposing  
“ power by the faithful in France, why should he  
“ not tolerate equally the rejection of it by the  
“ catholics of England ?

“ Why should he not write to his majesty a letter  
“ to the following effect ?—That his holiness by it  
“ should return him thanks for the favour, which he  
“ had shewn to the catholics, and urge its continu-  
“ ance : that he should acknowledge his majesty to  
“ be the true and lawful sovereign of his kingdoms ;  
“ —he might observe that the known allegiance of  
“ the catholics to his majesty rendered their taking  
“ of the particular oath in question altogether un-  
“ necessary ; he might lament the indiscreet pub-  
“ lications, to which it had given rise,—and, as a  
“ further indication of his own wishes for concilia-  
“ tion, he might suspend his own decree, and the  
“ decrees of his predecessor respecting the oath,  
“ leaving it and all that regarded it to stand, as if  
“ there had been no such decree.”

“ Such,” says father Leander, “ are the sug-  
“ gestions of some of our best and most intelligent  
“ men : and, with all due respect, I beg leave to  
“ suggest the propriety of a compliance with them.  
“ It is not unworthy of his holiness, to conciliate  
“ and make advances to gain his son to him, in imi-  
“ tation of his predecessor St. Gregory the great,  
“ who, by kind letters and paternal soothings, in-  
“ duced king Ethelbert to attend to the preaching

“ of St. Augustine. Neither is our king unworthy  
“ of this ; nor is he an heretic, though he be not  
“ hitherto fully instructed in some doctrines ; nor  
“ did he ever quit the bosom of the church ; but,  
“ having yet had none but protestant teachers, he  
“ remains in that belief, in which he was educated,  
“ a devout worshipper of God, according to his  
“ measure of knowledge.”

Father Leander proceeds to mention the appointment of a bishop: “ From those,” he says, “ on  
“ whom I can depend, I find that doctor Smith,  
“ the bishop of Chalcedon, is personally obnoxious  
“ to the king and the state, on account of his excessive officiousness, while he was in England ;  
“ on account also of some things he has done in  
“ France, which have offended his majesty. I am  
“ also informed, that it would be unsafe to send  
“ other bishops into England, with the power of  
“ external jurisdiction \* ; and that it will displease  
“ the king, his ministers, and, in a particular manner, the bishops of the establishment. And why  
“ should these be offended and irritated ?

“ Add to this, that the appointment would be  
“ unwelcome to a great proportion of the English  
“ catholics : for, though many lay catholics, and  
“ almost all, who are directed by the secular clergy,  
“ desire episcopal government, still the greater  
“ part of those, who are guided by the regulars,  
“ dread it, as likely to expose them to the perils

\* By external jurisdiction, Leander means the power of enforcing obedience and punishing by censures.



“ and severities of the law. I know that the number of the latter, though less than that of the former, makes it imprudent to disregard them.”

In a letter, which he afterwards addressed to the pope \*, father Leander deprecates the circulation in England of works, in which the authority of the see of Rome is immoderately extolled, and the opinions of some school divines upon it, raised into articles of faith ; he strenuously recommends that his holiness should prohibit, under the heaviest penalties, all future publications of that tendency.

The same spirit of wisdom and conciliation appears in a letter, which Leander addressed to cardinal Barberini †.—After lamenting the heats and misconceptions which had taken place in respect to the oath, “ Permit me,” he says, “ most eminent lord, my patron and my protector ! to speak freely, but without offence. What have ye effected by following the counsels and opinions of those, who have recommended severe measures, and obtained, with so much exasperation of the monarch, the decrees prohibiting the oath ? The monarch and his friends are in astonishment that doctrines are condemned here, which are allowed in the realm of France. What else have our nobility and leading men gained by these decrees, than its being believed, that the doctrines, on which they are founded, countenanced the wicked men engaged in the gunpowder conspiracy, and excuse

\* Cla. State Papers, vol. i. p. 170.

† Ib. p. 184.

“ their attempt to destroy the sovereign and all  
“ the nobility, inasmuch as such doctrines prohibit  
“ the condemnation of the principles, on which  
“ those men relied to justify their attempt? I  
“ know that this cannot be justly inferred; but I  
“ also know that our countrymen make the infer-  
“ ence. If they had seen, that the pope had pub-  
“ lished any decree which condemned both that  
“ detestable attempt, and the principles, on which  
“ it was endeavoured to be justified, they would  
“ have passed a very different judgment on that most  
“ unfortunate deed,—they would have thought that  
“ it proceeded wholly from the criminality of the  
“ persons engaged in it, and not from the doctrines  
“ of the catholic teachers. Hitherto, you have be-  
“ lieved those advisers, who, being ignorant of the  
“ true spirit of Christ, of that spirit, by which they  
“ ought to have been guided, invoked the thun-  
“ ders of excommunication, and the lightnings of  
“ these prohibitory decrees, on the kingdom of  
“ England. From these, what has followed, but  
“ that load of suffering, by which the much-endur-  
“ ing catholics have been almost quite oppressed?  
“ Yield, at length, to those, who suggest to you,  
“ the ways of mildness, and who remark to you,  
“ (as is said in the vision of Elias), that, it is not  
“ in the whirlwind, nor in the storm that breaks the  
“ rocks, but in the whisper of the gentle breeze,—  
“ in the spirit of meekness, that the Lord appears.  
“ I am perfectly convinced, that mildness and con-  
“ descension are more likely to obtain from our

“ king and the persons in power, that relief in a  
“ few months, which, for so many years, the vio-  
“ lence of these men has been unable to force from  
“ them.”

Father Leander accompanied this letter by a full statement of the objections made to the oath, and of the answers given to them : these we shall insert in the Appendix \*. He premises an important observation : “ That the prohibitory briefs of Paul  
“ had been issued before James had given his ex-  
“ planation of the oath, and had therefore con-  
“ demned it, in a sense, which, after those expla-  
“ nations had been given, the oath ought not to  
“ bear ; that these explanations had been adopted  
“ by Charles, and that he sanctioned a work †, in  
“ which they had been fully and clearly expressed,  
“ so that it was then manifest, that, in the sense of  
“ those, who propounded it, the oath was intended  
“ to profess no other, than that civil obedience and  
“ civil allegiance, which are due to his majesty,  
“ by the word of God, by the law of nature, and  
“ by the ancient laws and usages of the realm.”

He concludes by repeating his recommendation, that the popes should prohibit future publications, and suspend the operation of the damnatory briefs :—such suspensions, he observes, had been frequently issued,—not, says he, that by suspending the operation of a brief which condemns a particular

\* See App. note 1.

† The work of Mr. Howard, the title of which we have transcribed.



practice, the practice itself is justified ; but that the brief restores it to the condition, in which it stood, before the brief was issued.

The most important document in the correspondence of father Leander, is the account which he gives to cardinal Barberini of the state of the English mission\*.

I. He begins it by a view of the protestant church :  
“ The protestant church in England retains,” he says, “ an external appearance of the ecclesiastical hierarchy, which was in force during the time of the catholic religion : it has its archbishops, bishops, deans, archdeacons, chapters of canons in the cathedrals of the ancient sees, and most ample revenues. It preserves its ancient edifices, the names of the ancient parishes, priests and deacons ; a certain form of conferring orders, which agrees, in most respects, with the forms prescribed in the Roman pontifical ; the clerical habits and gowns, the pastoral crook, copes, and the ancient temples, parish churches, and colleges of magnificent structure : attendance in these is still enjoined.—The English protestants deem that, without this form of hierarchical government, the church of Christ is not only obscured, but that its nature and substance are taken away. In England, they actually believe, that, the other protestant churches, spread over the continent of Europe, are become schismatical, in consequence

\* *Apostolicæ missionis status in Angliâ.* Cla. State Papers, vol. i. p. 197.

“ of their having repudiated and rejected this most  
“ ancient hierarchy.”

He proceeds to state the approach,—much nearer than is generally supposed,—of the doctrines of the church of England to those of the church of Rome. “ In the greater number of the articles of faith,” says father Leander, “ the English protestants of “ the established church, are truly orthodox ; as “ on the sublime mysteries of the Trinity and Incarnation ; on the economy of the redemption of “ man, and on satisfaction through Christ ; on the “ whole, almost, of the controversy respecting pre- “ destination, grace and freewill ; the necessity and “ merit of good works, and the other articles expressed in the creed of the apostles, in the Nicene “ and Athanasian creeds, (as these stand in the “ roman-catholic liturgy), and in the four first general councils. The greater part of the learned “ and modest members of the church of England “ do not look upon the tenet of the supremacy of the “ pope with so much abhorrence, but that they “ would acknowledge him to be the bishop of the “ first see, and the patriarch of all the western “ church, if the other points in difference respecting his authority could be settled. Add to this, “ that the great majority of them think as we do, “ on the real presence, on the reason and name of the “ venerable sacrifice, and on the use of the ornaments of the altars in churches, though, on the “ manner of transubstantiation they have some difficulties ; nor would they refuse to admit sacramental confession, either auricular or particular.

“ In respect to the articles, in which there is a difference, this, they say, lies, for the greater part, either in the mode of expression, (which, beyond all doubt, they should rather receive from the mother-church and the established formulas of sound expression, than presume to prescribe to her, whose children they are,)—or, if the difference, is in the things themselves, they say it is not in the fundamental articles of faith, or in points, the belief of which is necessary to salvation ; but on questions, in which error may be tolerated, and is merely venial ; that it is neither an impediment in the road to salvation, nor does it put the dissenter beyond the substance of the covenant.”

They contend, continues Leander, that they have been treated, unworthily, by the Roman see, as heretics or schismatics ; that greater differences than theirs from the Roman church were tolerated in regard to the Greek church, by the council of Florence ; and that the importance of Great Britain and its dependencies renders it an object of as much moment to reconcile her to the Roman see, and as much worth while to call a special council for that purpose, as it could have been, to obtain the reconciliation of the Greeks.

Of the puritans, Leander expresses himself harshly: he describes them as equally hostile to the church of Rome and the established church ; and intimates, that, if they were out of the way, an arrangement between the churches of Rome and England would be much more practicable.



II. He then proceeds to describe the condition of the catholics in England. "There are," he says, "among them, more than 500 secular priests, "about 250 jesuits, 100 Benedictine monks, 20 "Dominicans, the same number of Carmelites, "30 Franciscans, 4 English and Scottish capucins, "and the same number of Minims."—He gives a succinct view of their foreign and English establishments, and of their principal and subordinate functionaries. "As the jesuits are the most numerous body of the regular clergy," says Leander, "and the most united, so have they the most illustrious, noble and powerful patrons; and over these, they have an influence which the other regulars have not; as these either have not exerted themselves, or have not been able, to attach their patrons to them, in the manner in which this has been done by the jesuits.

"The prelates appointed by his holiness, divided the secular clergy into certain dioceses, under six vicars general, eighteen archdeacons, and a certain number of rural deans. This hierarchical form being established,—(but what authority they had to establish it, they themselves must ascertain, as they had neither diocese, nor parish, nor even any order respecting these matters, from the pope,)—they used every means to enforce ordinary coactive jurisdiction over all the regulars, and all the catholic laity, from which violent contentions arose: the bishop and secular clergy carrying this pretension into actual execution, and obtaining the consent of several o i l l e cat

“ laity, who were ignorant of what they aimed at,  
“ but were moved by the majesty of the word,  
“ bishop ; the regulars of every order meanwhile  
“ opposing them, on the ground, that they were  
“ under no obligation of admitting such a juris-  
“ diction, as it had not been conferred on the pre-  
“ lates ; and as, by the ancient laws of the kingdom,  
“ the admission of it was an offence against the  
“ crown, which brought their fortunes into danger.  
“ But the pope endeavoured to put an end to all  
“ the dispute, by the elegant brief which he ad-  
“ dressed to the bishop, and the whole body of  
“ missionaries, in which he repressed this immoderate  
“ claim to a jurisdiction, which had not been granted  
“ them. Still, the secular clergy were not quieted ;  
“ neither do they yet cease to urge their claims ;  
“ but they still earnestly solicit the Roman see to  
“ appoint a prelate over them.

“ This,” concludes Leander, “ is a general view  
“ of the English mission : a thousand labourers,  
“ secular and regular, are employed in it ; who, for  
“ the greater part, possess great learning in philo-  
“ sophy, in ethics, and in theology, so that, if we  
“ look for erudition and edification, scarcely any  
“ catholic kingdom can display a more splendid  
“ priesthood.”

III. Still,—for such, says Leander, is the state  
of every thing human,—the English mission has its  
blemishes. The missionaries are too numerous ; not  
for the wants of the mission, but because the body  
of catholics cannot raise so large a supply, of mis-  
sioners, properly qualified by learning and religious

habits, as now exercise missionary duty in England. They are not sufficiently appropriated to particular places; they have not competent incomes; they interfere with one another; the contests between the seculars and the regulars, respecting the establishment of an hierarchy, have produced nearly an open schism. Here, he advocates the cause of the regulars; “they did not,” he says, “despise the dignity of the sacrament of confirmation, or the holiness of the episcopal order, or represent them to be useless to the church of Christ, as their adversaries, and the boldness of the Parisian divines alleged: they only respectfully suggested to the pope, that the introduction of an ordinary bishop with officials, archdeacons, and the other appendages of an external tribunal over the laity and the regulars, must be ruinous to the catholic cause, and disturb the harmony of the missionaries:—this, they not only asserted, but proved by solid arguments, and their opposition was sanctioned, in a great measure, by the pope’s decree.”—Leander therefore recommends, that doctor Smith should not be permitted to return to England; he protests against any other form of episcopacy, and suggests the restoration of the government by an archpriest.

He then proceeds to observe, that, in the disposition of money bequeathed for pious purposes, or arising from the restitution of ill-acquired property, sufficient regard was not shewn to the poor. All of it, he says, goes to enrich one religious order; every other description of persons, and the poor



laity in particular, are excluded from any participation of it. He recommends that a third, or at least a fourth of all such legacies, should be appropriated to the poor laity.

He notices the mischiefs arising from the discrepancy of opinion in matters of practical casuistry; from the difference in the rituals, some observing the Roman, some the French, some the Sarum rubric: the consequence was a total absence of uniformity in the observance of fasts and festivals.

He mentions the general fierceness of the controversial writings of those times; and recommends an undeviating observance of the language of good manners and christian moderation. All general discussions on temporal and ecclesiastical power should, he says, be absolutely prohibited.

Such is the substance of this important document. —Another curious paper\* in the same collection, is intituled “Instructions relating to the reconciliation of moderate Papists and Protestants.” It appears by it, that, at the time of which we are speaking, it was in contemplation to send a person to Rome, for the purpose of making a true representation to the pope of the state of catholicity in England. The document, to which we now refer, contains his proposed instructions, and was prepared by father Leander†.

\* Cla. State Papers, vol. i. p. 107.

† He observes in it, the necessity of its being fully explained to the pope, that, by the church of England, he should understand those protestants only, who adhered to the doctrine of the English bishops, and not the puritans or other

It is impossible not to admire the general spirit of good sense and moderation, which appears in

sectaries, these being considered both by the state and the prelacy of England "as factious and self-willed spirits, schismatically affected to their private opinions."—He then describes in terms, substantially the same as those used by him in the former document, the points, in which the catholic and protestant churches disagree; then notices some general observances of the catholic church, from which the pope might dispense,—as communion under both kinds, and the marriage of the priests. He suggests the continuation of the English protestant clergy,—“coming to agree in points of faith,—in their actual prelatures and benefices.”

“The third head,” says Leander, “contains those points, which involve respect to the temporalities, and civil obedience and honour depending on the state’s provision; all these,” he says, “are comprised in the oaths of supremacy and allegiance: both of them contain scruples in roman-catholic consciences, yet, if there be a true desire of peace in man, it seemeth they may be well enough reconciled.

“For, as for the oath of supremacy,—it is not now understood, as king Henry VIII did intend;—that he alone should be supreme judge in all causes ecclesiastical, even in matters of faith, religion, and holy ceremonies; or to dispense in sacramental points, or the ancient canons of the church: for his majesty in his constitution prefatory to the articles of religion, doth acknowledge that judgment to belong to the bishops of God’s church; and Mr. Peter Alison, with other learned protestants, are of the same sentence; blaming those writers, which do expound the title of the king’s supremacy otherwise. So that the supremacy challenged by the king’s majesty is indeed a temporal supremacy; by which, not only all lay persons, but even ecclesiastical, in his kingdoms and dominions, are verily, truly, really, his liege subjects, bound to his laws or the penalties thereof; and that all external coercion or constraint, by mulcts, imprisonments, or other ways of temporal

this and in many other parts of Leander's correspondence ; but some parts of it offended the ultra-

“ or exterior correction, cannot be exercised, but by his  
 “ authority, who beareth the civil sword; nor any prelature,  
 “ or ecclesiastical benefice or state be conferred, but accord-  
 “ ing to his ordinance or consent, because of the relation  
 “ which such places have to points of state and temporalities.  
 “ With all which it may be said, that the privilege of eccle-  
 “ siastical or clergy exemption is more exactly kept in this  
 “ realm, than in some neighbouring catholic states. Out  
 “ of which it seemeth very consequent, that, if his holiness  
 “ would condescend to this point, as it is above declared,  
 “ and practised in other catholic kingdoms, his majesty and  
 “ the state might be easier induced to admit of the pope's  
 “ spiritual supremacy.

“ Now, for the oath of allegiance,—it may perhaps be a  
 “ good reconciliation, instead of the scrupulous oath penned  
 “ in the parliament, to permit, that such an oath might be  
 “ proposed to his majesty's subjects, as followeth :”

Here father Leander inserts the form of an oath,—in which all the offensive expressions contained in the oath proposed by king James are omitted.

“ He,”—(that is, the person sent on this negotiation,)—“ will  
 “ also be, out of doubt, truly dealt withal about a bishop  
 “ and bishoplike authority over the catholics of England ; in  
 “ which he is to take directions from his majesty and the state,  
 “ the matter being of very great consequence, either to hinder  
 “ or farther his majesty's pious intentions.”

“ Lastly,—It seemeth very convenient that the pope and  
 “ court be dealt withal not to vex moderate catholics, by cen-  
 “ sures or disgraces, since their end is to please God and the  
 “ king, and promote the union of catholic religion ; and the  
 “ means employed by them are in their conscience lawful, and  
 “ allowed of in other catholic states. The contrary proceed-  
 “ ing cannot but exasperate the king and state, to see none  
 “ favoured or magnified in that court, but over-timorous  
 “ zealots, and none laid at by emulation more than peaceable



montane ears. From the apologetical letters addressed by him to cardinal Barberini \*, we find that he was accused of over-rating the supposed favourable disposition of the king and his ministers, towards the catholics ; of describing the condition of the catholics to be less grievous than it really was ; of placing the subjects in discussion rather in a political than a religious point of view ; of advising too liberal concessions ; of circumscribing too much the pope's spiritual power, and rejecting altogether his deposing power. His advocacy, though very guarded, of James's oath was also objected to him : he admits, that, in the sense, in which it was explained by its adversaries, and by some even of his majesty's ministers, it was indefensible ; but he contends that the explanations given of it both by the royal propounder and the reigning sovereign, made it harmless.

His apologies did not satisfy.—“ The see of “ Rome,”—(father Wilford, a Benedictine monk, writes thus to Leander in a letter, which we have already cited \*),—“ having stood for her rights, so “ many ages, in the cause of deposing princes, will “ be very unwilling to permit the oath, as the words “ lie, although glossed with another intention.

“ and well-minded patriots : especially, this proceeding “ hindereth many learned and able men from declaring them- “ selves for the king's lawful and laudable intentions ; who, “ otherwise, would reverently speak what they think to be “ true, to the greater good of the church, and of their country, “ and without any offence of true religion.”

\* Cla. State Papers, vol. i. p. 185, 211.

† Ibid. vol. i. p.

“ Look over the oath, which usually is exhibited  
“ to catholics in Ireland, examine other forms of  
“ oaths in catholic countries; add to them, aug-  
“ ment them, and endeavour to form them in that  
“ kind and in those words, which may secure and  
“ content his majesty, as is most just and reasonable  
“ to be done; yet take heed of meddling with de-  
“ ponibility of princes, for that will never pass  
“ here.” How greatly is it to be lamented that  
this chimerical claim of the papal see stood in the  
way of so many wise and promising exertions to re-  
lieve the English catholics from the dreadful perse-  
cution under which they groaned! Of so many  
attempts to restore, if not a communion of religious  
belief, at least a communion of peace and good-will  
between protestants and catholics!

## LVI. 2.

*Signor Panzani.*

THE court of Rome being dissatisfied, for the  
reasons which have been mentioned, with father  
Leander, but being still desirous of ascertaining the  
true causes of the contentions between the secu-  
lar and regular clergy, by which catholics and  
protestants were equally scandalized, and of ter-  
minating them altogether, determined to send into  
England, for this purpose, signor Gregorio Panzani,  
an Italian clergyman of the congregation of the

Oratorians.\* He was directed to keep his mission from public observation, and, to accompany car-

\* The writer of these pages has been favoured with the perusal of two valuable documents, which give an account of Panzani's mission. The first is,—what we should call,—*Panzani's report to Pope Urban VIII of his mission*;—in the original it is intituled, *Relazione dello Stato della Religione Catholica in Inghilterra; Data alla sanctita di N. S. Urbano VIII da Gregorio Panzani nel suo ritorno da quel Regno, l'anno 1637.*—It has not been published; a copy of it is in the possession of the writer; another is said to be in the possession of the rev. Charles Plowden of Stonyhurst. We shall afterwards see that the congregation of the Propagandâ ordered a copy of it to be given to Panzani's successor in the negotiation.

The second of these documents, is generally called the *Memoirs of signor Panzani*. They were translated from the original Italian by doctor Witham, who was appointed vicar apostolic of the midland district of English catholics in the year 1703. The title, which it bears in the translation, is, “*The Reasons for which Urban the eighth sent Mr. Gregory Panzani to the Queen of England, and his negotiation there, translated out of the Italian, 1635, 1636.*” The translation is evidently made with great care: at the close of it, the translator subjoins the following declaration,—“In this translation, I know not, whether I have always hit the true sense; the writing being very hard to read; but I know I have no reason to think I have been mistaken in any material point; and sometimes, where I doubted of the sense, I put the Italian word into the margin, and some few times, could not make out a word or two, by reason of the close writing and abbreviations.”

The first mention which the writer has found of Panzani is in “*The Popes Nuntioes; or, the Negotiation of seignior Panzani, seignior Conn, &c. president, here in England, with the Queen, and treating about the alteration of religion,*



dinal Mazarine in his return to France from Italy ; thence, he was to repair to England, under the

“ with the archbishop of Canterbury, and his adherents, in the years of our Lord 1634, 1635, 1636, &c. Together with a letter to a nobleman of this kingdom concerning the same. London, printed for R. B. 1634. 4to.”

First comes “a letter,” (of two pages, signed *D. T.*) “from a private gentleman to a person of honour, concerning the negotiation of the nuncios, which followeth.”—The writer of it says,—“The Venetian ambassador was the author of the little story ; a man, whose religion would not suffer him to favour the reformed churches, or to blast his own, with any falsehood, especially in an account to a wise state, which employed him ; a man of dear acquaintance with Panzani, and although no master-builder, yet a pious servant and spectator of the work : when you shall hear that the Italian copy was first translated into French for the great cardinal’s satisfaction, and I do not doubt, it hath good acquaintance in the Spanish court, and could speak that language long ago.”

Then the work follows,—it is contained in sixteen pages. The writer describes England as divided into three factions,—“That of the puritans is the most potent ; consisting of some bishops, all the gentry and commonalty : that of the protestants, is composed of the king, almost all the bishops and nobility, and besides, of both the universities : the catholics are least in number, yet make a party in the state sufficiently considerable, because the body of them is composed of such of the nobility as are most rich, powerful and strong in alliance, and of no small number of the inferior sort.”

He mentions the controversies respecting the appointment of a bishop :—he says, “the secular clergy and all catholics adhered to him ; the regulars and particularly the jesuits opposing him.” He mentions that Panzani was sent into England in 1634, favourably received by the king, the queen, and the secretaries Windebank and Cottington :—that he suggested the appointment of a catholic bishop, “not to exercise

assumed character of a traveller from mere motives of curiosity.

“ his function, but as his majesty should limit ; ”—that the king required Panzani should first declare, whether the pope would allow him to take the oath of allegiance :—Panzani declined giving an answer : “ The court of England and the  
 “ prelates, with much zeal and passion, sought to procure a  
 “ toleration of the said oath from the pope ;—that if it were  
 “ in the king’s power to change it, he would retrench all such  
 “ words as seemed opposite to his holiness’s authority : but  
 “ the same being conceived and enacted solemnly in parlia-  
 “ ment, to change it was beyond the king’s power ; yet the ex-  
 “ planation appertained to his majesty, what the intendment  
 “ should be ; and so by a declaration his majesty would clear  
 “ that he intended no prejudice to the pope.”

The writer then mentions some suggestions made on each side for a reconciliation, and Panzani’s great attempts to conciliate persons in power of every rank, but without effect. “ That both the archbishop of Canterbury and bishop of  
 “ Chichester have often said, that there are but two sorts of  
 “ persons likely to hinder reconciliation, to wit, puritans  
 “ among the protestants, and jesuits among catholics.”

Some mention of Panzani’s attempts to effect an amicable arrangement of the differences between the secular and regular clergy occurs in the last book of father More’s history : we shall present our readers with some extracts from it in the annotations to this chapter. The Memoirs were translated into English by Mr. Dodd ; he published some passages of his translation in the third volume of his Church History,—(vol. iii. p. 128.)

The whole was published by the rev. Joseph Berington in 1793, and he added—“ an introduction and a supplement containing the state of the English catholic church,  
 “ and the conduct of parties before and after that period to  
 “ the present time.”

To this work, the rev. Charles Plowden replied, by his

He arrived in London before father Leander had left it. He seems to have agreed with him in some respects, and to have disagreed with him in others. Like Leander, he thought that the dispositions of his majesty and his ministers were favourable to the object of his mission, that an intercourse between the courts was both desirable and practicable, and that it should begin by a letter from the pope to his majesty, expressing, in general terms, the respect of his holiness for the king, his esteem of the English nation, and his wishes for their prosperity, but avoiding to intimate any specific object, or make any particular proposal.

To this suggestion of Panzani, the ministers of the see of Rome immediately and positively objected. Cardinal Barberini informed him in the most precise terms of the pope's determined resolution to forbear from any such advances: it was, he tells him, the uniform custom of the holy see, to expect that the first advance should be made to her. The cardinal remarks, that the pope could not, consistently with his own character, write to the king of England, without some exhortation to

“Remarks on a book intituled *Memoirs of Gregorio Panzani*, “by the reverend Charles Plowden, preceded by an address “to the reverend Joseph Berington, 1794.” He calls in question the authenticity of the *Memoirs*, but it is evident that the writer of them had under his eye the Report and copies of the letters, from which extracts are given. This is also corroborated by the documents in the Clarendon State Papers, and the publication, intituled the *Pope's Nuntioes*. Both Mr. Berington's introduction and supplement and Mr. Plowden's answer to them contain valuable information.



him, to return to the bosom of the church ; and this, he observes, might not be well received.

We have seen that Leander was unfavourable to the appointment of a bishop ; Panzani favoured it. On this point, Leander concurred with the jesuits ; but in other respects he appears to have been jealous of them. They were very far from being favourites of Panzani : accusations of them incessantly occur both in his Report and his Memoirs.

We have seen that Leander advocated, to a certain extent, James's oath of allegiance ; Panzani seems to have thought it substantially objectionable. He proposed to the cardinal, that a new profession of allegiance, should be settled and approved at Rome ; and then transmitted to England. To this, cardinal Barberini peremptorily objected : such an oath, he observed, would be a subject of parliamentary discussion, and it was not proper that the court of Rome should propound any document which was to be so discussed.

Here, Rome acted with her usual wisdom and penetration : she foresaw, that parliament would never sanction any oath, as a satisfactory profession of civil allegiance, unless it contained an absolute and unequivocal disclaimer of the deposing doctrine. This, the pope was determined not to sanction ; but he was aware of the importance of avoiding an explicit declaration of such a decided resolution. In the papal dominions, the deposing doctrine was still professed ; in some catholic states, it was still tolerated ; and among all the regular and many even of the secular clergy, it was still a received opinion.

It was more therefore than a feather ; but even a feather, which adorns a royal bird, hath in his eyes both a charm and a value.

The mention of the oath was so unpleasant, as to draw on Panzani a severe reproof from the cardinal. He was ordered to abstain from all discussions of public topics, and to confine himself to the pacification of the dissensions between the secular and regular clergy respecting the appointment of a bishop ;—but still to discover, if possible, his majesty's sentiments on that point, and his general views concerning the catholics.—The result of Panzani's mission, in these respects, we shall give in his own words, from his report.

“ The catholics of England amount to one hundred and fifty thousand ; among whom are some  
“ noblemen, many gentry, and many of inferior  
“ condition, of whom not a few have great riches.  
“ But, in regard to the public good, among these  
“ is a great difference : some are catholics only to  
“ themselves, contriving so outwardly to live, as  
“ not to be known to be such : whence it follows,  
“ that other catholics derive no advantage from them.  
“ Some of the first nobility are in this number ;  
“ who, living in greater fear, and anxious to pre-  
“ serve the favour of his majesty, if they keep a  
“ priest in their house, do it with such secrecy,  
“ that neither their children, much less their ser-  
“ vants shall know it. From them, the neighbour-  
“ ing catholics have no means of hearing mass, or  
“ going to the sacraments. On the other hand,  
“ many of the three orders I have mentioned,

“ either because they have more zeal, or, from  
“ some cause, being more bold, and openly pro-  
“ fessing their religion, give opportunity, some  
“ more, some less, to their neighbours to practise  
“ their duty. Without this help, the poorer class,  
“ severely oppressed and fearful of the laws, would  
“ experience the greatest difficulties ; there not  
“ being in the country a single priest, really obliged  
“ to administer the rites of the church.

“ Besides the above, there are others, who, though  
“ cordially enemies to heresy and schism, yet ap-  
“ prehensive of losing their property or their places,  
“ and to advance themselves at court, live in appear-  
“ ance, as protestants, frequenting their churches,  
“ taking the oaths of supremacy and allegiance, and  
“ occasionally speaking against catholics ; yet, in  
“ their hearts, they are catholics, and some of them  
“ that they may not be without help, if necessary,  
“ keep in their houses, one or more priests. Such  
“ men by the better catholics are called schismatics :  
“ and among them, I include some of the first  
“ protestant nobility, secular and ecclesiastical, and  
“ many of every other rank. While I was in Lon-  
“ don, almost all of the principal nobility who died,  
“ although generally reputed protestants, died ca-  
“ tholics ; whence, with great probability, some  
“ infer, that the English are generally aware of their  
“ bad state ; and therefore, to secure their salvation,  
“ die catholics. Yet heaven has, sometimes, shewn  
“ fearful signs of indignation against these persons,  
“ who knowing the truth, through fear do not em-  
“ brace it. They have had, I observed, priests in



“ their house, yet, when these were called for at the  
“ hour of death, by a just judgment of God, they  
“ could not be found.

“ English protestants are divided into two prin-  
“ cipal sects, puritans, and protestants properly so  
“ called. The king and the major part of his court  
“ are protestants, as likewise all the bishops, those of  
“ Durham, Salisbury, Rochester and Oxford ex-  
“ cepted. The puritans among the people are most  
“ numerous : they are most bold, most furious and  
“ most insolent ; enemies of protestants and catho-  
“ lics ; and these the protestants, being more mo-  
“ derate, hate perhaps more than they do the catho-  
“ lics. It is certain, to humble the puritans, that  
“ some protestants have expressed a wish to form  
“ some union with the catholics. Among them, as  
“ some are more, and some less, moderate, so are  
“ there some, who, among the catholics esteem those  
“ most, who shew most moderation, and who are  
“ satisfied, as they express it, with what is becoming.  
“ A signal change, in this city, is daily visible ; as  
“ may be collected, not only from the books, which  
“ are now published, compared with those of former  
“ times, but also from common discourse and general  
“ intercourse. Sometimes, in public sermons, be-  
“ fore the king and the court, the schism with Rome  
“ is condemned ; catholics of modest conduct praised ;  
“ the prince is exhorted to shew clemency ; to ap-  
“ proach nearer to catholic belief. The practice of  
“ auricular confession is praised ; respect is shewn  
“ to the name of Jesus, to the sign of the cross and  
“ to churches. Images are well spoken of, and the

“ altars for catholic worship. The roman bishop  
“ comes in for his share of praise, and the roman  
“ church. This they acknowledge to be the first  
“ and most noble church, and her bishop the pa-  
“ triarch of the west, to whom, as such, they refuse  
“ not submission. They bear to hear of a re-union,  
“ but wish to see in us a sincere purpose to do,  
“ whatever can be reasonably done, in condescension  
“ to their weakness. Of this I always assure them.  
“ Under God, I ascribe this change to your holi-  
“ ness, who pleased to grant the dispensation. The  
“ queen, on her arrival into England, as was stipu-  
“ lated by you, opened beside her private chapel, a  
“ public one, where, first by the fathers of the ora-  
“ tory, then by the capucins in their habits, the  
“ divine office and mass were celebrated with great  
“ edification, and the sacraments administered. On  
“ the greater festivals, she and her court attend,  
“ when the service is accompanied by music. The  
“ effect is more than credible, which is caused by  
“ the sight of the chapel, the ornaments of the altar,  
“ and the ceremonies performed with great exact-  
“ ness : add to which, the sermons preached by the  
“ chaplains and sometimes by the almoner, the  
“ bishop of Angoulême.

“ Hence, as a certain aversion to our rites is taken  
“ away, so do many protestants, viewing our altars  
“ and ceremonies, begin to lament, while the catho-  
“ lics, being less in fear, daily advance with more  
“ vigour.

“ Much assistance also has been, and is, continu-  
“ ally derived from the chapels of the ambassadors

“ and other envoys, in which masses are said, the  
“ sacraments administered, and sermons preached.  
“ They are, as it were, the asylums of the catholics.  
“ In them, music often accompanies the service ;  
“ and in the holy week, sepulchres, richly orna-  
“ mented, draw to them protestants, who are some-  
“ times thereby converted.

“ At this time, under the auspices of your holi-  
“ ness, Mr. George Conn makes a great display in  
“ his chapel, and edifies much, as was expressly  
“ stipulated, when I settled the reciprocal mission  
“ of agents.

“ In London are many other chapels, and some  
“ in the country in the houses of catholics, to which,  
“ as I said, but not so publicly, the neighbouring  
“ catholics resort.

“ Looking to more quiet and free times, the  
“ catholics thus live ; for although, while I was in  
“ London, every one acknowledged, how much  
“ their condition was improved, and that easier days  
“ had never been, still the severe penal laws that  
“ have passed against them, of which I can give a  
“ separate account, are in force, and cannot, they say,  
“ be repealed, but by parliament. The king in his  
“ clemency, refrains from sanguinary punishments,  
“ and from many pecuniary fines ; there being laws  
“ which compel the catholics to go to church under  
“ pain of losing two-thirds of their property. This  
“ he does not rigorously exact, although, sometimes,  
“ being himself in want of money, he is satisfied  
“ with one-third. He gives, besides, a paper under  
“ the great seal, by which the catholics are exempted  
“ from going to the churches, and from many other



“ penal enactments. These papers or patents are  
“ called compositions.

“ Two things, however, weigh heavy on the  
“ catholics : the pursuivants and the oaths. The  
“ pursuivants have orders to seize the catholics :  
“ they enter their houses in search of priests or  
“ sacred vessels ; and such perquisitions are often  
“ made, with great severity and unfeelingness.  
“ While I was in London this evil was not much  
“ felt : I even received many favours in regard to  
“ some priests. But, while the laws are in force,  
“ the pursuivants, at any moment, may be ordered  
“ to do their work. Often the catholics are alarmed  
“ by false reports, that the pursuivants have received  
“ such orders. I therefore determined to obtain  
“ some mitigation of this evil, by a general order  
“ from the king, and, on an application to the  
“ queen, his majesty put the business into the hands  
“ of some of his councils, to whom, greatly assisted  
“ by a jesuit, I gave many proofs of the insolence of  
“ the pursuivants. I was, at this time, recalled by  
“ your holiness, when I left the concern in the  
“ hands of Mr. Conn.

“ Of the two oaths, from which the catholics  
“ must abstain, that of supremacy acknowledges the  
“ king to be the head of the English church ; and  
“ this, he admits, they cannot take.—The other,  
“ that of allegiance, formed at the time of the gun-  
“ powder plot, expressly contains, that your holi-  
“ ness cannot, in any case, absolve subjects from  
“ their allegiance to their princes, and that the  
“ contrary opinion is heretical. This oath is very  
“ grievous, because the king cannot be convinced,

“ that the catholics may refuse it ; whence, if it  
“ be tendered and not taken, its effect is worse  
“ than excommunication, and falls heavily on the  
“ person. Indeed, here also, the king acts gently ;  
“ and during my stay, it was offered to few. I was  
“ given to understand by some of the chief minis-  
“ ters, that they were disposed to alter the oath, by  
“ expunging what your holiness disapproved ; but  
“ to avoid the dangers, that presented themselves  
“ to your wisdom, I was not permitted to accede to  
“ and discuss the proposal. Moreover, understand-  
“ ing that a work was intended to be published, in  
“ favour of the oath, against one written by one  
“ Courtenay ; and that, if this were done, some  
“ other catholic would reply, I prevailed on the  
“ queen to suggest this to his majesty. I pressed  
“ the same on the ministers ; and the intention of  
“ publishing was dropt.

“ In regard to this oath, I found that opinions  
“ were divided. Some positively declare, that it may  
“ be taken, with whom are father Preston, other  
“ Benedictines, some other regulars, with some of  
“ the seculars, their adherents : others are of opi-  
“ nion, that it may be taken with the declaration,  
“ which is said to have been made by the king, that  
“ civil allegiance alone was demanded by the oath ;  
“ of which opinion are some regulars and seculars :  
“ but the major part of the body stands firm, de-  
“ claring that they neither can, nor will take it.

“ Missionaries are not appointed ;—but each  
“ one settles himself where he finds it most conve-  
“ nient. He goes not to a town or other place,

“ because he is wanted, but because some catholic  
“ has offered him a residence in his house. When  
“ this is not the case, rarely will one stir. So, in  
“ the county of Derby are one hundred and forty  
“ poor catholics left without assistance. With many  
“ I have often deplored this evil, and in particular  
“ with the then provincial of the jesuits, suggesting  
“ whether it would not be better to form (*dividire*)  
“ parishes, as they had done in Japan, obliging the  
“ incumbents *ex justitiâ* to administer the sacra-  
“ ments to their parishioners, but leaving the latter  
“ the liberty of choice on the point of directors.  
“ This proposal was approved by many; the diffi-  
“ culty only was to find a person who would take  
“ the charge.

“ The missionaries are chiefly in the houses of  
“ the laity, generally one for each house; others are  
“ more at liberty, and live with great display. The  
“ excuse is, that their patrons will have it so, and  
“ that it is necessary to disguise their profession.  
“ Every one has his own stock of money, generally  
“ speaking, secular and regular, which they spend  
“ as they please; the jesuits excepted, who take all  
“ to their superior. Liberty is unrestrained; for,  
“ in fact, each one's reason is his sole guide. So is  
“ it also with the regulars; for they have no con-  
“ vents, nor monastic observances, no fasts, no pe-  
“ nitences, no hair-shirts, no *socii*. They go and  
“ do, where, and what they like. Rules and com-  
“ mands of superiors are at their own discretion.  
“ The jesuits again must be excepted, who very  
“ strictly observe their rules, and live generally with



“ great decorum. The missionaries enjoy many conveniences in the houses of their patrons; and being the directors of the masters and servants, and admitted to all the secrets of the mind, any one may judge what ascendancy they acquire.

“ With respect to the controversy, which was the principal object of my mission, that is, whether a bishop should be appointed or not; for myself I have understood, that the major part are desirous of a bishop, as well for the honour and tranquillity of their church, and the administration of confirmation, as to see their religion freed from all abuses. In this number, are many of the first nobility, and some in wealthy and easy circumstances, who offer him their houses, and to be security for his appearance, whenever he may be called for.

“ There are numbers of other catholics in favour of the bishop, who, though not of the first rank, are not less serviceable to their religion, and whose conduct is generally more guarded. Nor indeed, some regulars and their partial followers excepted, can it be said, that the bishop is really opposed; for the greater part of those, who express opposition, are found, when the point is strictly canvassed, to condemn the assumption of an immoderate authority; and having conceived, that this was assumed or aimed at, they sided with his enemies; still, when the truth was made known to them, they, as did earl Rivers, withdrew their opposition.

“ But, however limited the bishop's jurisdiction

“ may be, many of the regulars, from the injury  
“ they conceive it would cause to their interests and  
“ their dignity, and from the shame which would  
“ redound from their discomfiture in the dispute,  
“ would persevere in their resistance. Such is the  
“ state of the controversy ; to decide and assuage  
“ which, two measures have been proposed by the  
“ parties.

“ The opposition proposes, that a superior be  
“ given to the secular clergy, with the name of  
“ archpriest, as was done before, or with some  
“ other similar appellation ; and their reasons are,  
“ the controversy having originated with the bishop,  
“ who pretended to erect a tribunal, and to make  
“ his visitations among the laity, as also to approve  
“ the faculties of the regulars,—no means so ob-  
“ vious can be found to terminate it, as to eradicate  
“ the cause, and suppress the episcopal power ; and  
“ to grant to the archpriest or the superior of  
“ the seculars, no jurisdiction over the regulars nor  
“ laity. A limited episcopal authority would not  
“ effect this ; because, they add, the dignity itself  
“ of the station would make daily advances, or at  
“ least would keep the regulars in constant fear.  
“ They would never then be at rest, till they had  
“ gained their point, whereas an archpriest, from  
“ the character of his office, could have no such  
“ pretensions. Besides, the presence of a bishop  
“ would give jealousy to government and to the  
“ protestant prelacy ; whence the most cruel per-  
“ secution might arise.

“ The clergy, on the other hand, and their

“ adherents, urgently demand a bishop, and deem  
“ the demand so just, as to bear impatiently the re-  
“ fusal. Christ, they say, ordained that his church  
“ should be so governed ; and such, throughout the  
“ world, is its government. They see no reason  
“ why Japan and India and Ireland should have  
“ their bishops more than England, which has  
“ ever been the fruitful mother of saints. What  
“ has been the crime, for which she is thus  
“ punished ? It cannot be her humble devotedness  
“ to the Roman court, and to its head, in defence  
“ of which no nation has more freely shed its blood.  
“ To this they add, that the greater number is  
“ in favour of the bishop, even if their quality be  
“ considered ; at whose head is the queen, the  
“ marquis of Winchester, the first catholic noble-  
“ man of the realm. They count an equal number  
“ of earls, and of the succeeding orders ; and then  
“ contend, in this conflict of opinions, that her  
“ majesty and the earl of Winchester should turn  
“ the scale in their favour. After all, they say, as  
“ the point in dispute is spiritual and ecclesiastical,  
“ no arguments drawn from the condition of men  
“ should prevail ; since all souls are equal, for whose  
“ advantage this pastor is desired. Indeed, the  
“ spiritual wants of the poor are the most pressing.  
“ These also know, that the opposition to the  
“ bishop arises from a mistaken notion entertained  
“ by them, or from some fear of merited correction :  
“ but such accusations, erroneous and unjust, should  
“ be disregarded.



“ The clamour of the regulars, they still add,  
“ arising from notions, by no means, creditable,  
“ to say the least of them, should rather be cen-  
“ sured, than complied with. They then repeat,  
“ what has been said of the inadequacy of an arch-  
“ priest to govern a flock of such a wide extension;  
“ of his office’s not being conformable with the go-  
“ vernment established by Christ, and followed in  
“ all churches; that he would not be respected  
“ nor obeyed as would a bishop; and that the ca-  
“ tholics could never patiently bear the indignity  
“ offered to them. To allege the practice of some  
“ late years could be of no weight; because this  
“ would merely be to renew the injury then caused  
“ by men, who, by deceitful means, procured the  
“ appointment of an archpriest, contrary to the  
“ wishes of the catholics. And now, disorders are  
“ so much multiplied, as not to be remedied even by  
“ one bishop, much less by an archpriest.

“ A sincere catholic would not refuse obedience  
“ to his bishop; and, as to tyrannical usurpation,  
“ a gentleman to whom I once stated the objection,  
“ replied; can it be believed, that your holiness  
“ guided by the holy spirit, would send into the  
“ country a bishop, who, instead of guarding the  
“ flock, would ruin it by his extravagances?

“ Nor would the regulars, under a bishop, be  
“ here in a worse condition, than in the rest of  
“ christendom; but, all motives of exemptions ceas-  
“ ing, and living as they now do, at a distance from  
“ the control of monastic superiors, surely, it could

“ not be thought unreasonable, that the bishop  
“ should enjoy some superintendence. However,  
“ this arrangement they wholly leave to the will of  
“ your holiness.

“ And what grounds for any fear of persecution?  
“ If the present bishop was molested, it was, they  
“ say, at the instigation of some catholics; of which,  
“ the proof is, that doctor Bishop to his death was  
“ not disturbed, nor his successor for some years.  
“ Their reasoning is fallacious: they would have a  
“ superior, but he must not be a bishop for fear of  
“ persecution, while both must derive their authority  
“ from your holiness; and both, from this cause,  
“ must equally give rise to jealousy. An archpriest,  
“ with his delegated power, may enter the country;  
“ but not a bishop. Either, therefore, there is some  
“ secret, perhaps not very edifying, at the bottom, or  
“ their reasoning is not conclusive.

“ Such is the substance of the arguments, urged  
“ by the friends to episcopacy; and they conclude  
“ by declaring, that to remedy all the evils, they  
“ have enumerated, the presence of a bishop is ne-  
“ cessary, but that one will not suffice. Some,  
“ according to the divisions of the country, propose  
“ three.

“ The jurisdiction of the bishop, they remark,  
“ should be as simple as possible, as well, because  
“ he would be more respected and more feared, as  
“ likewise, because the distance from Rome being  
“ great, recourse cannot easily be had for such  
“ dispensations and licences, as daily occur.—  
“ The state of religion in the country, moreover,

“ impedes this application : and, although the jurisdiction should be thus unrestricted, the bishop might be admonished to use it discreetly, as complaints being made to Rome, it might be restrained or perhaps annulled”.

Panzani suggests some particular regulations ; then proceeds as follows :

“ The queen has ever shewn herself to me most anxious for the bishop, lamenting, at her arrival in the country, that he was gone without leaving a successor, which she deemed a dishonour. However, being singularly discreet and moderate, she wished me to learn the sentiments of the catholics, before she expressed her own. In the mean time, I understood, that one of the principal ministers wished to speak with me ; wherefore, having conferred with her majesty, I, with her permission, went to him, and candidly stated the design of my commission from your holiness, which was, I said, to compliment the queen ; and, as the occasion offered, to inform myself of the controversy among the catholics concerning the bishop. He listened with pleasure ; spoke with much respect of your holiness ; and, when I intimated, that an attempt had been made to alarm me, he assured me there were no grounds for fear, and that I might safely remain so long as it should be agreeable to me. This assurance he has often repeated to me, confirming it by much respect and many favours. The same I have universally experienced from catholics and protestants, which I can ascribe to the high opinion here entertained of your holiness’s



“ administration, and to the many kindnesses  
“ shewn to Englishmen by his eminence cardinal  
“ Barberini. Of this I could cite more instances,  
“ than I wish to communicate in writing. As to  
“ the bishop, though I said not, what the intention  
“ of your holiness was, nor did I ask his assent, as  
“ he knew from this what my commission was, he  
“ shewed some jealousy ; but gave no positive re-  
“ fusal. I assured him, that, whatever determina-  
“ tion should be taken, a prudent and wise man  
“ would be chosen, and such power entrusted to  
“ him, as would excite no suspicion in the protestant  
“ bishops. On this, he promised me his assistance ;  
“ though the affair, he said, was encompassed by  
“ many difficulties.

“ Having made many inquiries about this contro-  
“ versy, I retired to the queen ; who observed, on my  
“ stating the whole, that she would withhold her  
“ own opinion, till she had spoken to the king. At  
“ my next visit, she assured me, that her wishes  
“ were ever for the bishop, but that the king was  
“ against it ; and therefore she must bear the mor-  
“ tification, and for the present, be content. A few  
“ days after this, a gentleman waited on me to say,  
“ that the same minister wished to see me, and that  
“ I should express to him my desire of speaking to  
“ the king. Though I was aware, that this had been  
“ concerted, I noticed it not ; and, with the leave of  
“ her majesty, I went to the minister, to whom I  
“ meant to report the words of the queen. I told  
“ him therefore, which was true, that she had as-  
“ sured me the king was pleased with my conduct ;

“ that thus I felt myself daily more obliged to testify  
 “ all respect to his majesty. Now I requested he  
 “ would introduce me to the king; and I added that  
 “ one thing had given me some pain, which was, that  
 “ in case your holiness should be disposed to grant  
 “ a bishop, it appeared that the king would refuse  
 “ his consent. I put him in mind of what had before  
 “ passed between us, and of his promise to assist me  
 “ if required. He repeated his promise, should the  
 “ king convert. Afterwards I was admitted to his  
 “ majesty; but I touched not on this subject of the  
 “ bishop, as I wrote to cardinal Barberini.

“ Things were in this state, when some irri-  
 “ tation was excited, by my informing them, that  
 “ the work, *Deus, Natura, Gratia*, by father Francis  
 “ a Sanctâ Clarâ, had been prohibited at Rome\*.  
 “ The minister on this told me, that he had pro-  
 “ mised indeed to give me his assistance on every

\* “ A notion had obtained among some people, that king  
 “ Charles, in imitation of his father, had a design to unite  
 “ the two churches; and for that purpose was willing to try,  
 “ how far the moderate men of both parties would venture  
 “ to condescend. Father Davenport,”—(called in religion,  
 “ Franciscus a Sanctâ Clarâ),—“ seemed to have had something  
 “ like this in his head, when he published a book intituled  
 “ *Deus, Natura, Gratia*; with an appendix, containing an  
 “ exposition of the thirty-nine articles in the most favourable  
 “ sense. This performance was far from pleasing either party.  
 “ Several catholics exclaimed against it, and found means to  
 “ have it put into the Index Expurgatorius, and would have  
 “ had it condemned at Rome, had not the king and archbishop  
 “ Laud pressed Panzani, the pope’s agent in London, to  
 “ put a stop to the prosecution.” Dodd’s Church Hist. vol. iii.  
 p. 103.—Father Leander notices the displeasure of the king  
 at the condemnation of Davenport’s book.

“ point, but that now finding, that no regard at  
“ Rome was paid to the king, who had been pleased  
“ with the book, he should no more concern him-  
“ self. Being thus on bad terms, I endeavoured, as  
“ I more fully expressed it, to shew, by various ar-  
“ guments, the vigilant solicitude, which your holi-  
“ ness ought, and does feel on the subject of similar  
“ publications ; and that you could have had no rea-  
“ son to conjecture, that the work was pleasing to  
“ his majesty, although its object was to defend and  
“ explain, in a favourable sense, the articles of the  
“ protestant faith. I knew, I added, that works  
“ were sometimes prohibited at Rome, the con-  
“ tents of which were most favourable to the holy  
“ see, it not being deemed proper, that every one  
“ should write as he pleased, upon all subjects, how-  
“ ever good ; and that your holiness, not being  
“ apprised of the king’s taste, could not, on the  
“ occasion, have acted with particular reserve. I  
“ said so much, availing myself of every means, as  
“ well with the minister as with the queen, that he  
“ relented ; and so the point of the reciprocal  
“ agency, which was grateful to your holiness, was  
“ settled by me : he expressed much satisfaction.  
“ The subject of the bishop, however, was no more  
“ expressly mentioned : indeed, by the order of his  
“ eminence, I purposely avoided it, lest the king  
“ should give a direct negative, and your holiness  
“ should be pledged to any measure.

“ The bishop \*, at this time, had written to the

\* i. e. Doctor Smith, the titular bishop of Chalcedon.



“ archbishop of Canterbury, (Laud), concerning his  
“ return, or the admission of his successor, indicating  
“ some terms of a reduced and limited authority.  
“ His grace replied to the French ambassador, that  
“ he respected the bishop much ; that he had men-  
“ tioned these terms to his majesty ; and that he  
“ should be even ready to give his assistance.

“ But should it never be possible to procure a  
“ bishop, the appointment of a superior at least  
“ seems absolutely necessary ; and, as the name of  
“ archpriest is detested by the secular clergy, they  
“ desire the confirmation of the chapter and its dig-  
“ nity ; and that some of the vicars and apostolic  
“ visitors be deputed with the most ample powers,  
“ who, in the absence of the bishop may superintend  
“ and govern the catholics and the clergy. Should  
“ this measure be resolved on, the bull may express  
“ that no authority is thereby granted to the chapter,  
“ to elect or nominate a bishop.

“ Such is the information, regarding the state of  
“ the English mission, which I have been able to  
“ collect, and now lay before your holiness, humbly  
“ entreating that my insufficiency may find excuse.  
“ My request moreover, is, that all that has been  
“ said by me, should be deemed said in the name of  
“ those, who urged it, and whatever there may be  
“ from myself, that I submit to the judgment and  
“ correction not only of your holiness but of every  
“ man better informed than myself.”

Here Panzani closes his report : we shall now shew how he proceeded in the principal article of his commission,—the pacification of the clergy and

regulars. He took great pains to effect it ; and after frequent meetings and consultations, an agreement between them was concluded. We shall transcribe it from his Memoirs, and also transcribe the account, which the writer of them gives of the circumstances which attended its signature.

*“ The instrument of Peace or Conduct between  
“ the Secular Clergy and the Regulars\*.*

“ Because the common good of religion ought principally to be regarded by those, who labour in the Lord’s vineyard, and that good may be promoted with most ease and success, when the labourers are united by one common principle ; therefore, under the direction of the Holy Spirit, as we presume to hope, the secular clergy of England, on the one side, with the fathers Benedictines, Franciscans, Dominicans, and Carmelites, on the other, have resolved to settle a form of union amongst themselves, adapted to this end, leaving their respective rights and privileges untouched. And that nothing may obstruct the progress of this desirable concern, it is first resolved, that all former feuds and differences be now closed ; and the parties mutually promise to bury their animosities, and to abstain from all recrimination. Wherefore, on this present day, the 17th of November, an. 1635, being met in London, on behalf and in the name of the r. r. bishop of Chalcedon and of the secular clergy, the underwritten *N. N. N.* and on behalf

\* Dodd, p. 132.

“ and in the name of the fathers Benedictines, &c.  
 “ the underwritten *N. N. N.* the same approved,  
 “ the following form of union, intended to endure  
 “ till the Lord shall restore to these kingdoms the  
 “ free practice of the roman-catholic religion \*.

“ The parties mutually promise, that they will  
 “ unanimously attend to the common concerns of  
 “ religion, and will aid one another, as often as it  
 “ may be wanted; nor will they, as far as depends on  
 “ themselves, suffer his holiness to be imposed on by  
 “ false representations, or the honour and govern-  
 “ ment of his majesty to be disturbed. To this  
 “ end, it is, therefore, resolved, that, at least every  
 “ quarter, and as often besides as may be occasion,  
 “ deputies from both sides shall meet for the purpose  
 “ of deliberation. But, as his holiness has deputed

\* A Latin translation of this instrument is inserted by  
 More, lib. x. s. 15. It bears date the 17th November 1635.—  
 “ Hoc igitur est quod die decimo septimo mensis Novembris  
 “ 1635, Londini convenientes,

“ Pro parte et nomine reverendissimi episcopi Calcedoni-  
 “ ensis et cleri secularis admodum R. R. D. D. D. Fisherus,  
 “ D. Joannes Southcott, et D. Thomas Vitus ;

“ Et pro parte et nomine P. P. Benedictinorum, R. admo-  
 “ dum P. Leander de Sancto Martino, R. admodum P. Bene-  
 “ dictus de Sancto Facundo, et R. P. Paulinus Greenwood ;

“ Et pro parte et nomine P. P. Dominicanorum, R. ad-  
 “ modum P. frater Thomas de Media Villa, et R. admodum  
 “ P. frater Ludovicus de Sancto Ildefonso ;

“ Et pro parte et nomine P. P. Franciscanorum, R. admo-  
 “ dum P. frater Egidius de Sancto Ambrosio, et R. admodum  
 “ P. frater Franciscus de S. Clarâ ;

“ Et pro parte et nomine Carmelitanorum, R. admodum  
 “ P. F.”



“ hither the rev. Gregory Panzani, it is our desire  
“ that he be requested to meet our deputies, in order  
“ that our reconciliation be made more firm and so-  
“ lemn. And if the members of other orders be  
“ disposed to join our union, we admit them to it\*.

“ The deputies then signed three copies of this  
“ instrument, one to be delivered to the clergy, a  
“ second to the above regulars, and a third to  
“ Panzani, that he might make a report of it to  
“ Rome.

“ When the parties concerned were met to  
“ sign the articles of agreement, one father Ro-  
“ berts, a jesuit, desired to be admitted. His  
“ business was to expostulate with them, why Pan-  
“ zani was called to the assembly? He was an-  
“ swered, that Panzani was not present at their  
“ conferences, but was in a room near at hand,  
“ that he might be ready to confirm the agreement,  
“ and congratulate with them on the happy con-  
“ clusion of their differences. He was assured,  
“ moreover, how agreeable it would be to them all,  
“ if he or any other, in the name of the jesuits,  
“ would appear and subscribe, as the other depu-  
“ ties did, adding, that there was a blank left in  
“ the writing for that purpose. Father Roberts  
“ was far from being satisfied, though they ac-  
“ quainted him with every particular. He even  
“ exposed the meeting, representing it as a con-  
“ spiracy against their society.—Panzani having

\* A Latin translation also of this instrument is inserted in More's History ; it appears to have been dated on the same day, and to have been signed by the same persons.

“ notice that father Roberts was present, took some  
“ pains to set him right, assuring him, almost with  
“ tears in his eyes, that the only object of their  
“ meeting was peace and harmony ; and he hoped  
“ the jesuits would not stand off, but convince the  
“ world, by signing the articles of agreement, that  
“ they were studious of peace, and had an equal  
“ regard with others for the good of the mission.  
“ The deputies also earnestly begged for their com-  
“ pliance ; but to no purpose. Roberts would not  
“ depart a tittle from his resolution, though he  
“ seemed willing that the result of the conference  
“ should be communicated to his order.

“ Panzani, on the first meeting of the deputies,  
“ demurred whether he should appear amongst  
“ them, lest his presence might seem to favour the  
“ bishop of Chalcedon’s pretensions, whose case  
“ was not yet decided at Rome. But, being as-  
“ sured that the bishop’s name was no otherwise  
“ mentioned, than as he was an eminent member  
“ of the clergy body, he hesitated no longer. Soon  
“ after this, Panzani made it his business to find  
“ out Richard Blond \*, provincial of the jesuits,

\* He was educated at Rheims, and afterwards at Rome ; in this city he took orders ; he was afterwards sent into the English mission, and entered into the society of Jesus. He was greatly esteemed by his order, and raised to the rank of vice-provincial. He organized the missionaries of his order, by distributing them into precincts, and assigning a superior to each. In 1620, there were 19 of his order in the London, 8 in the Suffolk, 8 in the Hampshire, 10 in the Staffordshire, 12 in the Lancashire, 12 in the Leicestershire, 6 in the Lincolnshire, 7 in the Yorkshire, 11 in the Northamptonshire, 5 in the Worcestershire, and 11 in

“ whom he pressed very hard to join the other  
 “ orders \*. But he declined it, which so irritated  
 “ the deputies, that they advised Panzani to im-  
 “ portune him no longer, for that it made him put  
 “ too great a value on his concurrence.

“ The sectaries, understanding the agreement  
 “ amongst the missionaries was not likely to be  
 “ universal, felt a sensible trouble, as did all others  
 “ who were favourers of the projects then on foot.

“ Blond, perceiving that his standing off dis-  
 “ pleased the generality of the catholics, conde-  
 “ scended so far, as to sign a letter which gave an  
 “ assurance of maintaining a friendly correspondence  
 “ with the other missionaries : but as to the articles  
 “ of agreement, he said, they were liable to several  
 “ exceptions. The letter †, by his order, was com-

the Welch precinct.—More gives an edifying account of his virtues and missionary labours; calls him, “ next after Persons, the column of the English mission and province,” and inserts at length the instructions, which he left as a legacy,—and it certainly was a valuable legacy,—to the actual and future members of his order. (Hist. lib. x.) The propriety of the conduct of father Blond in the transactions mentioned in the text is one of the numerous subjects of controversy between the gentleman, who edited the Memoirs of Panzani, and the gentleman, who answered him.

\* Dodd, vol. iii. p. 134.

† A Latin translation of it is also given by More, (Hist. lib. x. s. 16.)—Blond solemnly asserts in it, that “ he was not invited by any one to the meeting; nor heard any thing from any one, that the presence of himself or of any one on his behalf would be acceptable; that he knew nothing of the time or place of the meeting, or of the persons, who were to attend it, till after it had taken place.”

But



“ municated to the deputies ; and they, in return,  
 “ sent him a copy of their agreement, and, at the

“ But having, afterwards, heard all this from another quarter,  
 “ I profess,” says the good father, “ in the name of myself  
 “ and of all the associates committed to my care, that we most  
 “ willingly embrace this peace, so far as it regards the common  
 “ good of the catholic religion, and the mutual charity of the  
 “ labourers in the vineyard. We also promise, that we will  
 “ all exert our endeavours, that,—(to use the words of the in-  
 “ strument),—the supreme pontiff, should not be deceived by  
 “ false information, or the smallest injury done to the honour  
 “ of his most serene majesty, the queen, or the state.”

This letter is dated the 23d of November ; on the 28th of the same month, father Blond addressed one to Panzani, (*More, lib. x. s. 17*), in which he expresses to Panzani some surprise that so solemn an instrument should have been signed, on such subjects, as promoting the public good, cherishing charity, not deceiving the pontiff, not injuring the honour of the king,—facts, of which, he says, there never had been any question.—He embraces the peace, that he may not appear to reject it : but he objects to the proposed meetings in every three months, as inconvenient ;—and desires it to be understood, that, by his assent to the instrument, he neither admitted nor denied the authority of doctor Smith, but left the question, as it then was, in the hands of the pope.

By a letter of the same day, (*More, Hist. l. x. s. 17*), Panzani sent Blond an exact transcript of the articles which had been signed, and accompanied them, with the copy of an instrument, which, he says, had been reduced to writing, and agreed to, but not signed : it is thus expressed.

“ The deputies of the religious orders, promise that they  
 “ will not, by themselves or their brethren, directly or indi-  
 “ rectly, from this time, oppose themselves to the establish-  
 “ ment of episcopal authority in England ; or impede the  
 “ bishop or bishops there established or to be established, to  
 “ enjoy and exercise freely and quietly all the rights, privileges  
 “ and faculties granted by the apostolic see.

“ same time, desired, he would meet them, in  
“ order to remove the difficulties he apprehended.—

“ The deputies of the secular clergy promise, that they  
“ will not, either by themselves or the bishops established  
“ or to be established in England, directly or indirectly impede  
“ the before-mentioned religious from peaceably and quietly  
“ enjoying or exercising all the rights, privileges and faculties  
“ granted to them by the apostolic see, under their superiors,  
“ as theretofore.

“ It is also promised on each side, that, as soon as the  
“ secular clergy shall have an immediate superior residing in  
“ England, a treaty shall be entered upon, respecting the more  
“ special conditions of the union and concord.”

By his answer dated the 4th of the following December, Blond acknowledges the receipt of Panzani's letter ; refers to the bull, *Britannia*, of pope Urban VIII, which has been mentioned ; speaks in its praise, and observes that it would be better to acquiesce in it, and in any future regulations of the holy see, than to enter on new discussions.—“ On the  
“ articles themselves,” he says, “ I shall express myself in a  
“ few words. We have not as yet, and shall not hereafter,  
“ do any thing against them. Not one of us has ever opposed  
“ himself to the establishment of episcopal authority in Eng-  
“ land. But being questioned by those, who had that right,  
“ we have given our opinion ; or being compelled by neces-  
“ sity, we have written that, which appeared to us necessary  
“ to preserve entire the dignity of the apostolic see. Nor  
“ have we heretofore impeded, nor shall we impede the  
“ bishop of Chalcedon, or any other person in the free exercise  
“ of any authority committed to him by the apostolic see.

“ In the second article the seculars promise to permit the  
“ regulars in their turns to enjoy their faculties ; this is right,  
“ and conformable to the intention and order of the apostolic  
“ see, contained in the brief which has been mentioned.”

The further treaty suggested by the seculars on the event of their having an immediate superior, Blond pronounces to be useless, as he presumes that, on such an event, every thing will be regulated by the holy see.

“ Panzani, meanwhile, renewed his protestations  
“ of impartiality, declaring that his only view was  
“ a lasting peace amongst them. He assured the  
“ jesuits, they had nothing to fear from the bishop  
“ of Chalcedon’s being named with the rest ; and  
“ that the other orders, equally jealous of their  
“ respective privileges, made no account of it.—  
“ Father Blond replied in a second letter full of  
“ caution and reserve, viz. That his holiness  
“ having already, by a brief, beginning Britannia,  
“ dated May 9th 1631, given express orders, that  
“ all controversies between the clergy and regulars  
“ should be suppressed and silenced, it was more  
“ advisable to stick to the letter of those orders,  
“ and to submit to them, than, by meetings and  
“ proposing articles of agreement, to raise grounds  
“ for new disputes. He, therefore, judged it in-  
“ convenient to enter upon any new projects,  
“ whence difficulties would certainly arise.”

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## CHAP. LVII.

ATTEMPTS TO ESTABLISH AN OFFICIAL INTERCOURSE  
BETWEEN THE SEE OF ROME AND THE ENGLISH  
GOVERNMENT.

THE agency of Panzani and his attempts to effect a friendly communication between Rome and London appear to have been generally known by some con-



temporary writers :—but the only authentic information, which we possess of them, is contained in the work which we have cited under the title of Panzani's Memoirs ; we shall now transcribe so much of them as relate to these communications.

“ The two secretaries Windebanck and Cottington, encouraged Panzani not to let fall the business of a reciprocal agent, because, by that means, the re-union of the kingdom with the church of Rome might come to pass. Panzani had written to cardinal Barberini about it, even at the beginning, when first it was proposed to him by Windebanck ; and the cardinal applied his mind to it, seriously ; so, in answer, he ordered Panzani that he should consult father Philip \*, what hopes there might be about the foresaid union of the kingdoms and what means to cultivate it. Father Philip, as a wise man and well acquainted with the affairs of that nation, assured, that every day good signs appeared, as well in the king, as in the ecclesiastics and laity of the kingdom, towards such an union ; but that however, it was to be looked upon as a most difficult business, by reason of the severity of the laws against the catholics ; seeing that those, who really desired an union, durst not discover it, but rather, through fear, took occasion to shew the contrary disposition ; and the same apprehension appeared in the king, of his own nature most fearful : from these things, a great inconvenience followed, to wit, that none

\* A friar ; the queen's confidential chaplain.

“ could make a prudent and secure judgment of the  
“ mind of the king and his counsellors ; seeing  
“ them vary and waver so much. It happened also  
“ then, when the king for his pressing occasions  
“ of war, and such like, was compelled, to have  
“ monies, to call a parliament, and the lower house  
“ being full of puritans, these were used ever to  
“ exclaim against the catholics ; nor would they  
“ consent to the king’s demands, except he shewed  
“ himself cruel against the catholics ; as also, for  
“ the same reason, all those bishops and ministers,  
“ that were moderate and inclined to the union,  
“ about the time of calling a parliament, because  
“ they feared to lose their life or benefices, became  
“ also cruel, or at least severe against the catholics ;  
“ and the king himself could not annul the parlia-  
“ mentary laws. However, that the affair of the  
“ union might be much helped by the choosing of  
“ the two reciprocal agents, if they, in their ma-  
“ naging affairs, studied to give content to the king  
“ and state. And here, father Philip gave a wise  
“ instruction about the qualities of an agent to be  
“ sent by the pope to reside in London : and first  
“ of all, that he should shew himself willing to  
“ give all just and possible satisfaction ; that he  
“ should, now and then, take occasion to excuse  
“ the king and officers, if they did not altogether  
“ favour the catholics, and to lay the fault on the  
“ pursuivants ; and to ask, with address, a remedy ;  
“ that he should carefully inform Windebanck, of  
“ what passed in Rome, and keep a communication  
“ with the agents of the crowns and princes, to

“ have news, and send it, without yet giving offence  
“ to the said princes,—and if the news were such,  
“ as were not a disgrace to religion, that he should  
“ make use of presents and regales; that he should  
“ be of age about thirty-five years, to the end he  
“ might have a certain lively solidity, which usually  
“ is not had either in youth, or old age; that he  
“ should be of a good and handsome presence,  
“ noble and rich, and above all, of an exemplary  
“ life, but without affectation; not a confident of  
“ the jesuits, nor more addicted to the French in-  
“ terest, than to the Spaniards; that he should  
“ keep his family in good order, and be rather li-  
“ beral than otherwise; that he should speak well  
“ French, a tongue well understood in the English  
“ court; that in the first place he should take a  
“ care to gain the good-will of the queen, with  
“ presents of perfumes, and such like genteel  
“ gifts, and with cheerful discourse and entertain-  
“ ment, but yet modest and chaste; and so also  
“ the ladies of the court; that he should live alto-  
“ gether free from all lasciviousness and lightness,  
“ because it was an usual saying in England, a good  
“ life a good religion; and the rather because the  
“ king was of himself of a most modest behaviour,  
“ and the queen no less chaste and modest, and  
“ abhorring from all things, which gave any signs  
“ of impurity; that, when by the help of the  
“ queen, the counsellors were gained, it might be  
“ decreed in the council, that the pursuivants or  
“ informers should not do any thing without an  
“ express and written order of the council; which



“ being compassed, the catholics would not any  
“ longer be in fear, because as soon as any resolu-  
“ tion should be taken in council against them, some  
“ counsellor gained by her majesty, might give  
“ notice to the said catholics, and so easily those,  
“ that were accused, might fly and avoid the dili-  
“ gence of the officers. If this point alone were  
“ established, there would follow a kind of tacit  
“ liberty of conscience for the catholics; and the  
“ moderate protestants would not fear so much to  
“ declare themselves in favour of them; and then  
“ would be the proper time to act with the king by  
“ means of the bishop of Canterbury, that he would  
“ grant, as much as could be, an express liberty of  
“ conscience; which being granted, it was believed  
“ that, in less than three years, almost all the king-  
“ dom would become catholic; and then would be  
“ the time to call a parliament and recall the laws  
“ against catholics, and to re-unite again with the  
“ see apostolic.

“ It cannot be expressed, how much cardinal  
“ Barberini was pleased with these observations of  
“ father Philip; and he answered that ‘it could  
“ not be denied that, as to the union, there were  
“ not such difficulties of great moment, but that,  
“ when the king should seriously desire it, they  
“ might be overcome; that, in the mean time his  
“ holiness would apply his whole mind unto it, as  
“ also should co-operate unto it the agent, that was  
“ to be sent to London, in choosing of whom care  
“ should be taken, that he were endowed with all  
“ those ornaments of quality, and other talents, that

“ were desired : and that, in the interim, Panzani  
“ should take a care to conserve the good-will of the  
“ two secretaries of state Windebanck and Cotting-  
“ ton, who shewed a good disposition towards favour-  
“ ing the catholics.’

“ Father Philip and Panzani consulted together,  
“ which of the two secretaries was fittest to manage  
“ the affair of an agent ; because, on the one side,  
“ Windebanck had been the first that proposed it,  
“ and on the other, Cottington was to disburse the  
“ expences, for the maintaining one at Rome.  
“ But because Windebanck might take it ill, if,  
“ without his knowledge, they relied on his col-  
“ league, Panzani dexterously induced him to be  
“ content that Cottington should be made partaker  
“ of the business ; but that first the queen should  
“ be acquainted, that she might gain the king, as  
“ she did, and obtained of him his consent, on con-  
“ dition that first Cottington’s advice should be  
“ taken ; wherefore the queen ordered Panzani  
“ that he should immediately go in her name, to  
“ Cottington, and acquaint him, in order, with the  
“ whole affair ; and that, in the name of her ma-  
“ jesty, he should go to speak with the king.  
“ Cottington shewed a great deal of content ; and,  
“ though he knew the matter to be very consider-  
“ able and weighty, yet he promised he would do  
“ his part with the king to promote it, and with all  
“ diligence would execute his orders. The whole  
“ business being told to Windebanck by Panzani,  
“ he also received great content ; but, at the same  
“ time, began to complain of the prohibition of the

“ book called *Deus, Natura, Gratia*, saying that he  
“ resented it extremely, but laid the fault upon the  
“ jesuits, who would have disturbed all accommo-  
“ dation, for that they did not blush to speak ill of  
“ the pope, saying that he was a Frenchman, and  
“ that he promoted the war against catholics. But  
“ Panzani, after having shewed the sincerity of all  
“ the dealings of Urban, and made him sensible  
“ thereof, said that, as to the jesuits of whom it was  
“ said they spread such calumnies, may be these  
“ were only inventions of their ill wishers, and that,  
“ in fine, there was no need to tax an entire body  
“ of religious.

“ Yet we must not pass over in silence, how as  
“ well Windebanck as Cottington obliged Panzani to  
“ the greatest secrecy about the declaration of an  
“ agent, promising, both of them, to bring the bu-  
“ siness to a happy issue, and without any noise.

“ In the mean time, Cottington heard the king’s  
“ pleasure,—to wit, that he was content, that the  
“ queen should have in Rome a catholic agent, and  
“ that, on the other side, the pope should have one  
“ in England; and after he had acquainted the  
“ queen therewith, with her excessive content,  
“ communicated it also to Panzani, and added withal,  
“ that the king himself would nominate the  
“ person to be sent to Rome; and that, if the  
“ pope, after the departure of Panzani, would send  
“ his agent to England, his advice was, that he  
“ would make choice of a lay gentleman, because,  
“ in that manner, he would not give suspicion or  
“ jealousy to any. That if he should send a secular



“ priest, he would be partial to the said priests;  
 “ if a religious man, to the religious; if a jesuit,  
 “ to the jesuits: *that he should not be by faction a*  
 “ *Spaniard*, but a neutral; and above all, discreet.  
 “ The like counsel was also given him by Winde-  
 “ banck; and it was a mark that it was the sense of  
 “ the king and state, because, being a laic, it  
 “ could not be said he was legate, or nuncce of the  
 “ pope; and so the heretics would not be so much  
 “ irritated, and particularly the puritans. Winde-  
 “ banck, who had been the first to motion this  
 “ reciprocal sending of agents, expressed an ex-  
 “ cessive joy, seeing it was determined; and foretold  
 “ that, from such good beginnings of correspond-  
 “ ence with the see apostolic, great good would  
 “ follow to England. Panzani answered that he  
 “ hoped no less, having heard the final resolution  
 “ taken in this matter, on the vigil of St. Eleuthe-  
 “ rius pope, who converted Lucius king of Brittany,  
 “ and of St. Augustine sent by St. Gregory to con-  
 “ vert England.

The progress of this negotiation, we shall transcribe from Panzani's Memoirs in the Appendix\*.

It appears that Panzani was succeeded in his mission to England by a monsignor Agretti. On the 12th of July 1669, the congregation *de Propagandâ Fide*, held a particular assembly on the affairs of England; the cardinals Barberini, Albizi, Chigi, Azzolini, and monsignor Ubaldi,

\* Appendix, Note III.

the secretary of the congregation, attended this assembly. Some instructions were delivered to Agretti, and the Relazioni or Report of Panzani was put into his hands\*.

Hume†, shortly mentions that for some years, Conn, a Scotchman, and afterwards Rosetti, an Italian, openly resided in London, and frequented the court as vested with a commission from the pope. In 1642, it was deemed advisable to discontinue altogether the intercourse with Rome.

# CHAP. LVIII.

*Vol. I. c. 29. p. 360.*

## THE PURITANS.

### LVIII. 1.

*Vol. I. c. 29. s. 1. p. 361.*

*The Origin of the Puritans.*

\* Archivium of the Propagandâ,—Libro delle congregazioni particolari, degli anni 1668, 1669. “Mittatur eidem “Relatio Panzani pro majore ipsius informatione.”

† Ch. liv.—In the “Abstract of the Transactions relating to “the English secular Clergy, (p. 43),” it is briefly mentioned “that a design of count Rosetti to abrogate the dean and “chapter, was discovered; but that immediately a letter was “despatched to cardinal Barberini our protector, subscribed, “Antonius Champneus, capituli cleri secularis in Angliâ “decanus, with seven archdeacons, the sum whereof was to “protest against the said design; and so no more was heard “about it.”

## LVIII. 2.

*Vol. 1. c. 29. s. 2. p. 362.*

*The principal points in difference, between the Church of  
England, and the Puritans.*

## LVIII. 3.

*Vol. 1. c. 29. s. 3. p. 366.*

*Division of the English Puritans, into Presbyterians,  
Independents and Baptists.*

## LVIII. 4.

*Vol. 1. c. 29. s. 4. p. 368.*

*The Act of Uniformity.*

## LVIII. 5.

*Vol. 1. c. 29. s. 5. p. 369.*

*The Court of High Commission.*

## LVIII. 6.

*Vol. 1. c. 29. s. 6. p. 372.*

*The Conference at Hampton Court.*



## CHAP. LIX.

THE PERSECUTION OF THE ENGLISH CATHOLICS  
DURING THE REIGN OF CHARLES I.

WE must now lead our readers from the pleasing, though unsuccessful attempts at conciliation, which we detailed in the preceding chapter, to the disgusting view of encreased severities. In one respect, the persecution, which we have now to relate, bore a new character. Those, which the catholics suffered in the reigns of Henry VIII, Edward VI, and Elizabeth, originated with the monarchs themselves, or with their ministers; that, which they suffered under Charles, was forced from him by the adversaries of his crown. In another respect also, it differed from the former: in the reign of Elizabeth, the cause of the catholics was connected, in the opinion both of the queen and her ministers, with the rival pretensions of Mary, with the sentence of excommunication and deposition pronounced by Pius V, and attempted to be executed by Philip II; and with the intrigues of some of the English exiles in Spain. All these causes continued, though in a fainter degree, to operate on the public mind throughout the reign of James. On the accession of Charles they subsided altogether; but soon after his accession, events took place, which, unfortunately for the catholics, connected them in the minds of many with circumstances very unfavourable

to them. The attachment of the monarch to his catholic queen, and the deference, which he was known to pay to her counsels, made the catholics general objects both of jealousy and alarm; while their known principles of loyalty irritated the popular party and its leaders against them. The prejudices against them on these accounts increased in proportion to the increase of the popular ferment. This rose at length to frenzy: meantime, the monarch, though both by nature and principle, averse from measures of cruelty or oppression, was often too easily persuaded to sacrifice the catholics, whenever his interest appeared to require it, to the fury of their enemies. This made their condition, during the greater part of his reign, truly deplorable: we shall consider it in this chapter.

Even in the first year of the reign of Charles, the parliament shewed an active zeal against the catholic religion, by a complaint, which the commons made against a doctor Montague, who had published a book, which occasionally made honourable mention of some doctrines of the catholic church, and even ventured so far as to assert, that the pope was not Antichrist\*: they also shewed it, by a petition, which was presented by both houses of parliament, to his majesty, praying for the due execution of the

\* It was intituled "An Appeal to Cæsar." The author of it had before incurred the displeasure of the archbishop of Canterbury and some other divines by a work intituled "A nice Gag for an old Goose," in answer to a catholic work intituled "A Gag for the New Gospel."—See Parliamentary History vol. vi. p. 323.

laws against the catholics. This, the king, in his answer, generally promised \* ; and by a proclamation, which immediately followed, he ordered to England, all the children of catholic recusants, who had been sent abroad for foreign education, or on any other account ; and enjoined the archbishops of both provinces to proceed strictly against such recusants by excommunication, and the other censures of the church. Their arms were taken from them †, and they were commanded not to stir above five miles from their own houses ‡.

In the following year, the commons presented a petition against the catholics expressed in the strongest language ; it mentioned, among other grievances, the names of several persons in places of government or authority, who, they affirm, were popish recusants, or suspected of being such § :—the king dissolved the parliament without returning any answer to the petition.

The alarm increasing, a conference was held between the lords and commons ; and they joined in a petition to the king, for putting the laws, which

\* Parl. Hist. vol. vi. p. 380.

† Rushworth, vol. i. p. 195, mentions the orders of council to the marquis of Winchester, lord St. John his son, lord viscount Montague, lord viscount Colchester, lord Petre, the earl of Castlehaven, lord Morley, lord Vaux, lord Eures, lord Arundell of Wardour, lord Teynham, lord Herbert and lord Windor, requiring them “ to render their arms and the “ furniture thereunto belonging, together with all their habiliments of war.”

‡ Rushworth, vol. i. p. 406.

§ Parl. Hist. vol. vii. p. 286.



have been mentioned, into execution. Sir Edward Coke took a leading part in this business; he brought into full view the spiritual œconomy of the secular and regular clergy of the English catholics, their ecclesiastical agencies, and their establishments abroad. In his answer to the petition, his majesty promised to give “life, motion and execution” to the laws\*. Proclamations hostile to the catholics were accordingly issued, and an act passed for “restraining the sending over of any to be popishly bred beyond the seas;” it adopted and aggravated the severe penalties of the act passed in the first year of James against foreign education. On other occasions, the commons proceeded in a manner that shewed their hostility to the catholics. Some priests having been condemned and their execution staid, the commons made it a subject of severe inquiry.—It having appeared that some persons had been tried before lord chief justice Richardson for being priests; that no proof of their having been guilty of that offence was produced, except the discovery of some sacerdotal vestments in the house in which they were apprehended, and that the chief justice, conceiving this evidence insufficient, had directed the jury to find them “not guilty,” saying, that the question was “priests or no priests,—and that they were entitled to have justice done them;” this was made a subject of complaint.—“Never was the like example,” said sir Robert Phillips; “if the judges give us not better satisfaction, they themselves

\* Parl. Hist. vol. vii. p. 387, 391.

“ will be parties \*.” One is sorry to find that the report made to the commons on this subject was brought up by Mr. Selden †.

A committee for religion was then formed ; it appears by the articles for their instruction, that Arminianism was now an object of great terror to the house ‡.

But the contention between the monarch and the commons now rose so high, that, on the 10th day of March in the fourth year of his reign,—(1629),—he dissolved the parliament, with expressions of great displeasure. On the 10th of the same month, he published “ His declaration to all his loving  
“ subjects of the cause, which had moved him to  
“ dissolve it.” It is written with perspicuity, force and elegance. On the subject of religion he says,  
“ We call God to record, before whom we stand,  
“ that it is, and always has been our heart’s desire,  
“ to be found worthy of that title, which we account  
“ the most glorious in all our crown,—*Defender of*  
“ *the Faith.*—Neither shall we ever give way to

\* Parl. Hist. vol. viii. p. 306.

† What had become of his noble motto, *Περί παντός τινος ελευθερίας*?—“ You will find,” Mr Fox said to the writer of these pages, “ much fewer real friends of religious liberty  
“ than you expect ; but you may always depend on Fitzwil-  
“ liams and Petty.

‡ Parl. Hist. vol. viii. p. 319.—In the debates upon the duke of Buckingham, one of his advocates expatiated in the great pains taken by him to convert his mother from the catholic religion ; to confirm his wife, “ whom he found not firm,” in the protestant religion ; and to discountenance the Arminians. Ib. p. 217.

“ the authorizing of any thing, whereby any innovation may steal or creep into the church ; but  
“ to preserve that unity of doctrine and discipline,  
“ established in the time of queen Elizabeth,  
“ whereby the church of England hath stood and  
“ flourished ever since.

“ And, as we were careful to make up all  
“ breaches and rents in religion at home, so did we,  
“ by our proclamation and commandment for the  
“ execution of laws against priests and popish recusants,  
“ fortify all ways and approaches against  
“ that foreign enemy ; in which, if we have not  
“ succeeded according to our intention, we must  
“ lay the fault, where it is, on the subordinate officers  
“ and ministers in the country, by whose remissness,  
“ jesuits and priests escape without apprehension,  
“ and recusants from those convictions  
“ and penalties, which the law and our commandment  
“ would have inflicted on them.”

It is impossible not to be aware of the strong feelings of self degradation, which the monarch must have had, when he used these expressions.

From March 1629, no parliament was called till April 1639. A parliament was then convened ; it was dissolved after sitting a few months : but, in September in the next year, a new parliament was summoned to meet in the following November, “ a parliament which ” say the authors of the *Parliamentary History*\*, “ many, before that time, thought  
“ would never have had a beginning, and after-

\* Vol. viii. p. 505.



“wards, that it would never have had an end.” From its long duration, it has been called the Long Parliament.

To the early part of the period between the accession of the monarch, and the meeting of the long parliament, we must assign the mitigated execution of the laws against the catholics, which is mentioned in our extracts from father Leander and Panzani.

A work of the celebrated Prynne\*, shews equally the amiable disposition of the monarch to gentleness and mercy, and his culpable timidity.—It contains “several letters of grace, protection, and “warrants of discharge, granted by him to notorious popish recusants, priests and jesuits, to exempt them from all prosecutions and penal laws against them, signed with his own hand;” and “a note of the names of those recusants, against whom process had been stayed by his privy signet.” By a certificate produced by Mr. Prynne, under the hand of Mr. John Pulford, the officer employed in these prosecutions, it appears that the number of recusants convict in the twenty-nine counties, within the southern division of England, from the first till the sixteenth year of the reign of his majesty, amounted to 11,970. A list follows of

\* “The Popish Royall Favourite: or a full Discovery of his Majestie’s extraordinary Favours to and Protections of notorious Papists, Priests, Jesuits, against all prosecutions and penalties of the laws enacted against them, &c. Collected and published by authority of Parliament, by William Prynne, of Lincoln’s-Inn, esq. 4to. 1643.”

“ discharges of priests and jesuits, under the king’s  
“ councils and secretary Windebanck’s hands\*.”

The whole of this work bears testimony to the moderation of the monarch ; and this did him the greater honour, as his attachment to his own religion was perfectly sincere : but it equally shews the persecuting spirit both of the multitude and their leaders.

In the articles of peace, presented to the monarch in 1646†, it was expressly stipulated, that  
“ nothing contained in them, should extend to a  
“ toleration of the popish religion, nor to exempt  
“ any popish recusant from any penalties imposed  
“ on him for the increase of the same.”

But, even during this period of mildness, as it has been termed, one priest, Mr. Edward Arrow-smith, of the society of Jesus, suffered death, merely upon the charge of being a priest and jesuit, and a persuader of others to the catholic religion, without the slightest proof of either crime. He was executed at Lancaster in 1628 : “ Divers protestants,” says the printed relation of his death, “ beholders of  
“ the bloody spectacle, wished their souls with his.  
“ Others wished they had never come there ;  
“ others said it was a barbarous act to use men so,  
“ for their religion.”

“ From this year,” says doctor Challoner (from whom we have copied this extract), “ till 1641, I

\* See his majesty’s commission to compound with recusants, Rushworth, vol. i. p. 413.

† Thurloe’s State Papers, vol. i. p. 77. Rush. vol. i. part iv. p. 309.

“ find no more blood shed for religious matters,  
“ though, as to other penalties, they were frequently  
“ inflicted upon priests and other catholics : severe  
“ proclamations were issued against them, heavy  
“ fines laid upon them, and the prisons filled with  
“ them ; insomuch that, in the compass of one year  
“ alone, there were twenty-six priests of divers  
“ orders, seized and committed to that one prison  
“ called the Clink ; to speak nothing of those that  
“ were confined elsewhere\*.”

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## CHAP. LX.

### THE CIVIL WAR,—PRESBYTERIANS,—INDEPENDENTS.

THE history of the civil war does not belong to these pages : it is written by Hume, with great ability and with much less partiality than is commonly allowed. On a dispassionate review of it, there appears strong ground to contend, that the objects of the popular party, were for a considerable time after its commencement justifiable both on principle and by precedent ; but that neither the nature nor extent of the principles or precedents being clear, much may be offered in exculpation of the monarch : nor can it be denied that, to attain their aims, the parliamentary leaders encouraged

\* Doctor Challoner's *Memoirs of Missionary Priests*, ad ann. 1628, p. 123, 148.



the grossest and foulest calumnies both of his actions and his designs, and too successfully practised every other artifice to inflame the passions of the multitude against him. Things may be supposed to have continued in this state till the petition of right in 1628. From this time, the sins of each side increased till the remonstrance of 1641 ; after which, the overthrow of the ancient monarchical government of the kingdom was, unquestionably, the object of the agitators, and Charles may be said generally to have been its defender. The confederacy with the Scots and the solemn league and covenant consummated the guilt of his enemies, and were equally fatal to the constitution and the monarch. The triumph of the presbyterians was then complete, and they no sooner obtained the ascendancy under the long parliament, than they imposed, with the same rigour as their predecessors had done, their own creeds and confessions ; and invested their magistrates, with the same power of punishing with pains and penalties, dissenters from their establishment.

But in the mean time, the independents, a new denomination of religionists, arose, and after sheltering themselves for some time, under the wings of the presbyterians, usurped by degrees the scene of action and obtained the ascendancy. " Then," says Bossuet\*, " a man arose of unfathomable depth of thought ; as subtle a hypocrite as he was a con-

\* In his Funeral Oration on Henrietta-Maria, the widow of Charles I.

“summate politician; equally impenetrable in peace  
“and war; leaving nothing to fortune, which he  
“could keep, by wisdom or foresight, from her  
“power; but, at the same time always so well pre-  
“pared, as never to let slip any opportunity of  
“which he could avail himself, to his advantage.—  
“In fine,—one of those active spirits, who seem  
“born for the disturbance of the world. What does  
“not such a man achieve, when it pleases the Al-  
“mighty to make him an instrument of his wrath!”

Such is the description given by Bossuet of this celebrated person. To explain the genius of his party and the difference of its principles and views from those of the presbyterians, we shall transcribe the following masterly view, which is given of them by Hume.

“During those times, when the enthusiastic spirit  
“met with such honour and encouragement, and  
“was the immediate means of distinction and pre-  
“ferment, it was impossible to set bounds to the  
“holy fervours, or confine, within any natural limits,  
“what was directed towards an infinite and a super-  
“natural object. Every man, as prompted by the  
“warmth of his temper, excited by emulation, or  
“supported by his habits of hypocrisy, endeavoured  
“to distinguish himself beyond his fellows, and to  
“arrive at a higher pitch of saintship and perfection.  
“In proportion to its degree of fanaticism, each  
“sect became dangerous and destructive; and as  
“the independents went a note higher than the  
“presbyterians, they could less be restrained within

“ any bounds of temper and moderation. From this  
“ distinction, as from a first principle, were derived,  
“ by a necessary consequence, all the other differ-  
“ ences of these two sects.

“ The independents rejected all ecclesiastical  
“ establishments, and would admit of no spiritual  
“ courts, no government among pastors, no interpo-  
“ sition of the magistrate in religious concerns, no  
“ fixed encouragement annexed to any system of  
“ doctrines or opinions. According to their prin-  
“ ciples, each congregation, united voluntarily, and  
“ by spiritual ties, composed, within itself, a separate  
“ church, and exercised a jurisdiction, but one des-  
“ titute of temporal sanctions, over its own pastor  
“ and its own members. The election alone of the  
“ congregation was sufficient to bestow the sacer-  
“ dotal character; and as all essential distinction  
“ was denied between the laity and the clergy, no  
“ ceremony, no institution, no vocation, no imposi-  
“ tion of hands, was, as in all other churches, sup-  
“ posed requisite to convey a right to holy orders.  
“ The enthusiasm of the presbyterians led them to  
“ reject the authority of prelates, to throw off the  
“ restraint of liturgies, to retrench ceremonies, to  
“ limit the riches and authority of the priestly office:  
“ The fanaticism of the independents, exalted to a  
“ higher pitch, abolished ecclesiastical government,  
“ disdained creeds and systems, neglected every  
“ ceremony, and confounded all ranks and orders.  
“ The soldier, the merchant, the mechanic, in-  
“ dulging the fervors of zeal, and guided by the



“ illapses of the spirit, resigned himself to an inward  
“ and superior direction, and was consecrated, in a  
“ manner, by an immediate intercourse and com-  
“ munication with heaven.

“ The catholics, pretending to an infallible guide,  
“ had justified, upon that principle, their doctrine  
“ and practice of persecution : the presbyterians,  
“ imagining that such clear and certain tenets, as  
“ they themselves adopted, could be rejected only  
“ from a criminal and pertinacious obstinacy, had  
“ hitherto gratified, to the full, their bigotted zeal,  
“ in a like doctrine and practice : the independents,  
“ from the extremity of the same zeal, were led into  
“ the milder principles of toleration. Their mind,  
“ set afloat in the wide sea of inspiration, could con-  
“ fine itself within no certain limits ; and the same  
“ variations, in which an enthusiast indulged him-  
“ self, he was apt, by a natural train of thinking, to  
“ permit in others. Of all christian sects, this was  
“ the first, which, during its prosperity, as well as  
“ its adversity, always adopted the principle of tole-  
“ ration ; and, it is remarkable, that so reasonable a  
“ doctrine owed its origin, not to reasoning, but to  
“ the height of extravagance and fanaticism.

“ Popery and prelacy alone, whose genius seemed  
“ to tend towards superstition, were treated by the  
“ independents with rigour. The doctrines too of  
“ fate or destiny, were deemed by them essential to  
“ all religion. In these rigid opinions, the whole  
“ sectaries, amidst all their other differences, unani-  
“ mously concurred.

“ The political system of the independents kept  
 “ pace with their religious. Not content with  
 “ confining, to very narrow limits, the power of the  
 “ crown, and reducing the king to the rank of first  
 “ magistrate, which was the project of the presby-  
 “ terians ; this sect, more ardent in the pursuit of  
 “ liberty, aspired to a total abolition of the monar-  
 “ chy, and even of the aristocracy ; and projected  
 “ an entire equality of rank and order, in a republic,  
 “ quite free and independent.”

## CHAP. LXI.

*Vol. II. c. 30. p. 1 to 14 ; and c. 31. s. 3. p. 20.*

CONDITION OF THE ENGLISH CATHOLICS FROM THE  
 MEETING OF THE LONG PARLIAMENT TILL THE  
 END OF THE REIGN OF CHARLES I.

## CHAP. LXII.

LOYALTY OF THE ENGLISH CATHOLICS DURING  
 THE CIVIL WAR, AND THE USURPATION :—NEW  
 PROFESSION BY THEM OF ALLEGIANCE AND CIVIL  
 PRINCIPLES CONDEMNED BY INNOCENT X.

THE history of the English catholics during the  
 reign of Charles I. affords a view at once pleasing

and affecting, of the undeviating rectitude of their conduct towards their sovereign and the state, and of the persecutions which they suffered from all parties : it affords also a fresh instance of obstacles too successfully thrown in the way of their endeavours to obtain some relaxation of the penal code, by an unequivocal disclaimer of the pope's deposing power, and some other obnoxious tenets.

## LXII. 1.

*Loyalty of the English Catholics.*

FROM the commencement of the reign of Elizabeth, till the time, of which we are now writing, attempts were unceasingly made to fix on the English catholics the odious charge of disloyalty : Charles I. knew it to be wholly groundless, but too often acted, as if he believed it. Undeviatingly, however, the catholics persevered in duty and loyalty.

Soon after the commencement of the contest between the monarch and his parliament, the latter obtained the command of the public money : from this time, the wants of the king were chiefly supplied from the private purses of his loyal subjects. The catholics contributed largely to them, by voluntary subscriptions, and, on several occasions, by advancing to him two or more years of their annual assessments or compositions for recusancy : and “ no “ sooner was the standard of loyalty erected,” says



doctor Milner\*, “ and permission given for catholic  
“ lies to serve under it, than the whole nobility of  
“ that communion, the Winchesters, the Worcester-  
“ cesters, the Dunbars, the Bellamonts, the Carnarvons,  
“ the Powises, the Arundels, the Fauconbergs, the Molineuxes,  
“ the Cottingtons, the Monteagles, the Langdales, &c. with an  
“ equal proportion of catholic gentry and yeomanry,  
“ were seen flocking round it, impatient to wash  
“ away, with their blood, the stain of disloyalty,  
“ which they had been unjustly constrained to suffer,  
“ during the greater part of a century—that is, ever since the  
“ accession of Elizabeth. Those catholics, who were possessed  
“ of castles and strong holds, turned them into royal fortresses;  
“ and the rest of them raised what money their estates could  
“ afford, in support of the king and constitution. We may judge  
“ of their exertions in this cause by their sufferings in it.” Mr.  
Dodd† refers to a list before him,—(and it is confirmed by  
authentic documents),—of six lieutenant-generals, eighteen  
colonels, sixteen lieutenant-colonels, sixteen majors, sixty-nine  
captains, fourteen lieutenants, five cornets, fifty gentlemen  
volunteers, all catholics, who lost their lives, fighting in the  
field for the royal cause. The whole amount of the noblemen  
and gentlemen, who thus perished on the side of the king, was  
estimated at five hundred; thus nearly two-fifths of them  
were catholics;—and this considerably exceeded the proportion,  
which the number of the

\* Letters to a Prebendary, letter vii.

† Hist. vol. iii. part vi. art. v.

catholics were at this time to that of the protestants of the same rank in society.

Several contemporary writers among the protestants did justice to the conduct of the catholics. "It is a truth beyond all question," says Dr. Stanhope \*, "that there were a great many noble, brave, and loyal spirits of the roman-catholic persuasion, who did, with the greatest integrity, and without any other design than satisfying conscience, adventure their lives in the war for the king's service;" and that "several, if not all of these men, were of such souls, that the greatest temptation in the world could not have perverted or made them desert their king in his greatest miseries." "The English papist," says another writer †, "for his courage and loyalty in the first war, deserves to be recorded in history : and perhaps this may be worthy of notice ; that, whenever the usurper, or any of his instruments of blood or sycophancy, resolved to take away the life or estate of a papist, it was his loyalty, not his religion, that exposed him to their rapine and butchery."

Other protestants have not done so much justice to the catholics : perhaps the reader will be of opinion that lord Clarendon should have said more of their fidelity to Charles II, after the defeat of the royal army at Worcester, than that "it must

\* "The surest Establishment of the Royal Throne," p. 30, cited by Dodd, vol. iii. p. 31.

† "State of Christianity in England, by a Protestant Clergyman, said to be a Bishop," p. 25 ; also cited by Dodd, in the place referred to.

“ never be denied that some of their religion had a  
 “ very great share in his majesty’s preservation \*,”  
 when he is informed, that, during the six first days  
 after that disaster, his majesty was wholly in the  
 hands and under the protection of the catholics.  
 Fifty-two of that religion were apprised of the se-  
 cret ; some of these were in low circumstances, but  
 neither fear nor hope induced even one of them  
 to swerve from his fidelity †. On the sixth day,  
 his majesty reached the house of Mr. Lane; from  
 this time, he was in the hands of protestants, who  
 served him with equal fidelity. In their praise, the  
 noble historian is minute and eloquent ; but of the  
 fifty-two loyal catholics, he mentions only father  
 Huddlestone, a Benedictine monk. It should be  
 added, that, “ at this time, the Irish catholics were  
 “ the only compact body, throughout the extent  
 “ of the British empire, which had preserved, un-  
 “ tainted and unshaken, their loyalty to the royal  
 “ cause ‡.”

## LXII. 2.

*Vol. II. c. 31. s. 2. p. 16.*

*New Disclaimer of the deposing Power condemned by the  
 See of Rome.*

\* Hist. book xiii.

† See Dodd’s Hist. vol. iii. part vii. book i. art. i.—From a manuscript, signed by father Huddlestone, and by Mr. Whitgrave of Moseley, at whose house the monarch was concealed two days and two nights, Mr. Dodd gives the particulars of the monarch’s wanderings which followed the battle, and the names of the fifty-two catholics entrusted with the secret.

‡ Mr. Plowden’s “ Historical Memoirs,” book i. p. 119.



## CHAP. LXIII.

INTERNAL OCCURRENCES AMONG THE ENGLISH  
CATHOLICS DURING THE REIGN OF CHARLES I.

THE amicable intercourse between the monarch and the see of Rome has been mentioned ; we have also noticed the retirement of bishop Smith to France, and his death in 1655 : we have now to give, I. Some account of the proceedings of the chapter on that event. II. And of Blackloism,—a word, the import of which, very few if any of the readers of these pages understand, but in its time, a cry of war.

## LXIII. 1.

*Proceeding of the Chapter on the Death of  
bishop Smith.*

IN 1653, a general assembly of the secular clergy composed of deputies, fifteen in number, from all the districts of England and Wales, and presided by doctor Harrison, the vicar general of bishop Smith, was held, and continued sitting from the 11th to the 16th of July.

Foreseeing the approaching demise of the bishop, they deliberated on the line of conduct, which should be adopted on that event, and came to a resolution, that, “ if their bishop should die before

“ any change of government came upon them by  
 “ the coming in of one or more bishops or other-  
 “ wise, all the clergy should stand in a modest  
 “ defence of the dean and chapter, and yield due  
 “ obedience to them.”

Soon after the prelate's decease, the same assembly met and confirmed their former resolution. It was announced to the catholic public, by an encyclical letter, addressed to them in 1660, by the dean and chapter. “ By their agent at Rome,” says Mr. Berington\*, “ they gave an account to “ his holiness of the bishop's decease, and requested “ to know his pleasure concerning the future government of the catholic church in England. “ He replied: ‘ I will not disapprove of your “ chapter; but will let you alone with your government†.’ This was Alexander VII, who had “ lately succeeded to Innocent.

“ In the same year, 1655, the chapter despatched “ Mr. Plantin, a new agent, to Rome, to supplicate “ for a successor to bishop Smith. His holiness, “ in compliance with their requisition, promised, “ they should have a bishop within seven months.” “ ‘ And how,’ observed the agent, ‘ shall our church

\* *Memoirs of Panzani, Supplement*, p. 295.

† “ An Abstract of the Transactions relating to the “ English secular Clergy, by the reverend John Serjeant,” p. 56. From the preface to this work it appears that the reverend John Ward, the secretary of the chapter, compiled a full history of the affairs of the body to be preserved in the archives of the chapter:—Mr. Serjeant's work seems to be an abstract of it.

“be governed in the interim?”—‘Have you not a dean and chapter?’ replied Alexander\*.

“These answers of the pontiff were clearly an implied approbation of the chapter’s jurisdiction.

“Having occasion to write to Rome in the following year, the chapter, though the seven months were expired and no successor appointed, addressed a letter of thanks to his holiness for his paternal care in promising them a superior with ordinary powers†. He had made no such promise; but it was wise to signify the extent of their own wishes.

“In 1657, the chapter in a general assembly nominated six persons as proper for a bishop, and constituted Mr. Pendrick their agent to Rome; to whom, some months after, with a per-severance that became them, they gave orders forthwith to wait upon his holiness, and supplicate him in their names to make good his promise. Letters likewise, to the same effect, were sent to the protector Barberini. The instructions to the agent were; first, to desire a bishop with the power of a prelate in ordinary; secondly, that they dare not accept of any extraordinary authority, which would be against the laws of their catholic ancestors, and the will of the state; thirdly, that the bishop be chosen out of the six named by the chapter; fourthly, that, if any other person, or authority, contrary or inconsistent

\* Transactions, p. 57.

† Ibid.



“ with this, be endeavoured to be imposed, he  
“ should resolutely oppose it ; and, in the name of  
“ the chapter, protest against it ; first, because the  
“ ancient laws of England admit of no extraordinary  
“ power of the pope ; secondly, because there is a  
“ severe penalty, called a *præmunire*, against those,  
“ that shall receive any such ; thirdly, that, in the  
“ reign of Henry VIII, the clergy, by reason of this,  
“ were compelled to renounce the pope’s authority ;  
“ fourthly, that all the laity will fall under the  
“ same *præmunire* ; and therefore fifthly, that the  
“ chapter think themselves bound in conscience to  
“ acquaint the laity of the danger to which they  
“ will be exposed, by accepting such an authority ;  
“ lastly, that the state is already too jealous of any  
“ intrenchment from the power of the court of  
“ Rome : the chapter, therefore, dares not receive  
“ any superior but an ordinary bishop.

“ These manly sentiments, thus forcibly expressed,” says Mr. Berington, “ tell us, what  
“ then was the conviction of the clergy, and how  
“ true they were to the firm conduct of their ancestors. In what softer shades of colouring, the  
“ resolutions were conveyed to his holiness, we do  
“ not learn ; but we learn, that no change was  
“ made, and that the promise to be fulfilled in seven  
“ months remained unexecuted. In 1659, doctor  
“ Gage was appointed agent.”

## LXIII. 2.

*Blackloism.*

THE generous contributions of the English catholics, to enable Charles I. to answer the exigencies of his government have been mentioned : such a contribution was particularly solicited by the queen in 1639, when the monarch advanced with his army to reduce the Scottish invaders. By a letter, generally circulated among the catholics, she observed, that “ it became her, who had so often solicited benefits from them, to be furnished with “ proof of their gratitude : under this impression, “ she recommended to them her earnest desire, that “ they should assist and serve his majesty by a considerable sum of money ; she informs them that “ she should be sensible of it, as a particular respect “ to herself ; and assures them, that she should “ exert herself to improve the merit of it, in his “ eyes.” In consequence of this representation, a meeting of several ecclesiastic and lay catholics of distinction was held at London : the contribution was there resolved on and recommended, and the carrying of it into execution was entrusted to sir Kenelme Digby and Mr. Mountague. The parliament having expressed displeasure at it, the queen excused it by a letter written with address, dignity and delicacy\*.

\* See the particulars in Rushworth, Hist. Coll. part ii. p. 820, 821, 822, 823, 824.—The letter from the pope to his nuncio, a translation of which is inserted by Rushworth, must be spurious : Rushworth himself appears to question its authenticity.

Sir Kenelme Digby, whom this circumstance brought into public notice, was the son of sir Everard Digby, one of the persons executed for the gun-powder conspiracy. Though he was born of catholic parents, he was educated a protestant, but, soon after he attained the years of manhood, embraced the catholic religion. This produced a correspondence between him and archbishop Laud, and another between him and lord Digby : they were published, and much read and admired,—the partisans on each side extolling their champion and pronouncing him victorious. Sir Kenelme was eminently learned, and spoke fluently six languages. He was singularly graceful in his person and elegant in his manners. During the civil wars, he was distinguished by his loyalty, and obliged to quit England ; he then resided for some time in France ; after the death of Charles, Henrietta-Maria the queen relict, appointed him her chancellor.

In the mean time, he had formed an intimacy with Mr. Thomas White, a secular priest of the church of Rome, of irreproachable manners and great learning, and a profound philosopher, but an obscure, and at least, on some occasions, an inaccurate writer. Their friendship was cemented by their common admiration of the Aristotelian philosophy, of its occult qualities, and its accidents existing independently of substance ; and by their common rejection of the Cartesian philosophy and the principles of Hobbes. But each was esteemed by Descartes, and Hobbes admired White ;



“ though,” says Wood\*, “ they seldom parted in cool blood. For they would wrangle, squabble, and scold about philosophical matters, like young sophisters, though both of them were eighty years of age.”—White was also esteemed by the celebrated Chillingworth. \*

One of the controversies, in which White was engaged, respected the state of souls between death and the general judgment. The late archdeacon Blackburne, in his “ Historical View of the Controversy concerning an intermediate state,” mentions, with great praise, the abilities and precision of two treatises written by White on this subject ; but seems to admit that the consequences, deducible from his system, are not reconcileable with the catholic doctrine of purgatory. In 1666, one of them attracted the notice of the house of commons†, as “ a book tending to atheism, blasphemy and profaneness, and impugning the essence and attributes of a God.” It does not appear that the house proceeded to further measures against White. To conceal his real name, which catholic priests often did in those times, White assumed, in some of his publications, that of Blackloe ; by this, he was generally known, and from this circumstance, his adherents received the appellation of Blackloists.

After the king’s affairs were totally ruined, sir Kenelme Digby returned to England to compound for his estate. This he was allowed to do, but on

\* Ath. Oxon. vol. ii. p. 225.

† See Journal, 17 Oct. 18 Car. II.

very hard terms ; and, by an order of parliament, he was expelled from the kingdom, with an injunction not to return to it, without the permission of the parliament, under the penalty of forfeiting both his life and his estate. Upon this, he returned to France, and was kindly received by Henrietta-Maria, and afterwards sent by her, in the quality of an ambassador, to Rome. The secular clergy of England availed themselves of his residence in that city, to negotiate with his holiness for their favourite object, the appointment of a bishop. This, sir Kenelme, in their name earnestly solicited. In the printed correspondence, intituled “ Blackloe’s “ Cabal,” several letters from him, from White and from doctor Holden, a celebrated English theologian residing at Paris, are inserted ; they shew how ardently the appointment of a bishop was desired by the clergy, and how strongly they felt the reluctance of the Roman see to grant it. They were advised to apply to the prelates of the neighbouring kingdom, and to prevail on these to ordain bishops for them. This design was represented by the opponents to the prelatic scheme as criminal ; they made it a matter of severe reproach to the Blackloists, and particularly to sir Kenelme, White and Holden, as their leaders. But were they really censurable on this account ? The measure was never adopted ; it was scarcely discussed by them seriously ; besides, —it was never their intention that the bishop, so to be ordained, should exercise his functions until he was accepted and confirmed by the see of Rome,—which, in all their writings the Blackloists allow in

to be the centre of catholic unity, and supreme in ecclesiastical authority. On this ground it may be contended that, though the proposal was indiscreet, and probably would have been found impracticable, it was not, strictly speaking, opposite to the discipline of the church. Sir Kenelme entered warmly into the views and feelings of the clergy, and expressed himself in strong terms of the justice of their claim, and the propriety of acceding to it. This offended the pope, and sir Kenelme quitted Rome : some of his letters discover that he was sensibly hurt at the little regard, which was shewn to the object of his mission and the solicitations of his respectable institutents.

He appears to have returned to London about 1655. Cromwell had assumed the sovereign power, and sir Kenelme made his peace with him. The attempt to effect an accommodation between the catholics and the long parliament, has been mentioned ; the negotiation between them and Cromwell has also been noticed ; the latter had been preceded by a negotiation between the catholics and the independents. Into this the Blackloists, for sir Kenelme, White and Holden were then known by that name, warmly entered.

To further their success, White published a work then generally read, intituled—" *The Grounds of Obedience and Government.*" The object of it was to prove, " that the people, by the evil management or insufficiency of their governor, are remitted to the force of nature to provide for themselves, and not bound by any promise made to their governor ;—that the magistrate, by his



“ miscarriage, abdicates himself from being a magistrate, and proveth a brigand or robber, instead of a defender; that, though he be innocent, and wrongfully deposed, and totally dispossessed, still it were better for the common good to stay as they are, than to venture the restoring him, because of the public hatred.” It is evident, that these principles were intended to apply to extreme cases only; and that, when they are so applied, they are warranted by the received whiggish theory of resistance; and the writings both of Mariana and Persons.

We have mentioned the work on the middle state, which exposed White to censure: it is said however to have been praised by Mabillon\*. This work, his *Institutiones Sacræ*, and one published by him under the title of *Rushworth's Dialogues*, exposed him to persecution and obloquy: “ These works,” says Mr. Dodd, “ having given great offence, and the see of Rome being made acquainted with their pernicious tendency,—(especially when White had attacked the pope's personal infallibility,)—they were laid before the inquisition, and censured by a decree of that court.” Doctor Holden, Mr. Clifford and Mr. Carr, all of whom were friends to White, thought him too severely dealt with, but exhorted him to submit to the censure and condemn the errors, which it imputed to him. This he did, in a solemn instrument by which he professed “ to submit all his divinity writings to the church and see apostolic.”

\* Chalmers, art. White.

Doctor George Leyburn, a warm and active adversary of White, was, at this time, president of the English college at Douay : he addressed a letter to doctor Holden, in which he declared that he was not satisfied with the submission made by Mr. White, as it seemed to import, a “ submission, not to the  
“ holy see singly, but to the holy see conjointly  
“ with the church ; which conjunction,” said doctor Leyburn, “ for as much as it concerns our present  
“ intent, happeneth only in a general council law-  
“ fully called.” This being communicated to White, he immediately signed a second formula of submission, in which, after noticing the objection which had been made to the former, he says,  
“ I therefore now do ingenuously and freely declare  
“ and profess, that it is my opinion and judgment,  
“ that all catholics ought in heart, and in all hu-  
“ mility and obedience, to submit their divinity  
“ writings, not only to the holy church in common,  
“ and in a general council, where the pope may be in  
“ person, or by his deputies, but also to the parti-  
“ cular see of Rome, and to St. Peter’s successor,  
“ the pope, even out of a general council ; which,  
“ as I have always done in my heart, so do I now  
“ likewise, actually and willingly submit all my  
“ writings to the particular see of Rome, and St.  
“ Peter’s successor, the pope, even out of a gene-  
“ ral council ; and this, according as my opinion  
“ and belief has ever taught me, ratifying and con-  
“ firming to this effect, all the contents of my  
“ former submission.” Even this unqualified and

absolute submission did not satisfy doctor Leyburn, and the other adversaries of White. They extracted from his *Institutiones Sacræ*, twenty-two propositions, and laid them before the university of Douay; and, in 1660, that university formally condemned them. A censure of them was also subscribed by twenty clergymen of the college, and another censure by twenty-six other clergymen: the latter boldly declared, that, “from their hearts, they abominated and execrated the work written, in the English language by White, during Cromwell’s protectorate, on obedience and government.”

The humble submission of White was however as persevering as the attacks of his enemies.—In 1662, he addressed a letter to the pope, renewing his former submissions,—and explicitly professing, that, “if his holiness should proceed to the punishments mentioned in the decree of the inquisition, without any further form of law, he would not contend, but undergo them with as much humility and patience, as he was able.” Beyond this, the submission of the most docile child of the church, could not go:—and, in these sentiments, he died at the advanced age of ninety-four years: “By his death,” says Wood, “the roman-catholics lost an eminent divine from among them; and it hath been a question among some of them, whether ever any secular priest of England went beyond him in philosophical matters.”—We have mentioned his adversaries: it should be added that he had both among catholics and protestants several warm and respectable friends. Among the latter,



none defended him without limitation ; but, while they admitted his frequent obscurity, and occasional inaccuracy, they confidently asserted, that his writings contained little substantially wrong.

Even after his decease, Blackloism continued to be a word of war. Inconsiderately it was too often given to every clergyman, who advocated the appointment of a bishop in ordinary, who disbelieved the pope's personal infallibility, who declared against his deposing power, who recommended allegiance to the powers that were, who rightfully or wrongfully resisted any pretension of the regulars, or who argued against any ultramontane extravagance.—But after having strutted and foamed its little hour, Blackloism ceased to be mentioned, and Jansenism became the order of the day.

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## CHAP. LXIV.

### CHARLES THE SECOND.

COMMENCEMENT OF HIS REIGN.—DECLARATION  
AT BREDA.—PERSECUTION OF THE PROTESTANT  
DISSENTERS.

1660.

THE events, which led to the restoration of Charles, or the means, by which it was accomplished, are foreign to the subject of these pages : it is sufficient to observe, that the nation was divided, at that time,

into three religious parties, the roman-catholics, the members of the established church, and the dissenters: the last comprised the presbyterians, the independents, and the anabaptists. In the progress of this history, we shall have occasion to shew, that the three last came by degrees to differ from each other, in little more than in name; but, at the time of which we are now speaking, the differences, which we have noticed both in their doctrine and discipline, were real and substantial \*. All parties were reconciled to the king, and vied in demonstrations of affection towards him; but no party was reconciled to any other.

His majesty's declaration at Breda was just, wise, and conciliating. The promise, which it contained, of oblivion of past offences, would, perhaps, have been more judicious, if it had been without any qualification. It is obvious, that no qualification however carefully expressed, would hinder the application of it from being arbitrary in many instances, or prevent the unavoidable generality of its terms from occasioning alarm in a multitude of persons, whom it was not intended to affect, and from thus keeping alive, for a length of time, those jealousies, which it was so much the interest and wish of government to compose. Still the declaration was free from substantial objection: the religious toleration, which it held out, was complete, and the terms, in which it was expressed, were unequivocal.

\* The Rights of Protestant Dissenters to a complete Toleration, asserted, 8vo. 1787, p. 1.

“ We do declare,” said his majesty \*, “ a liberty  
“ to tender consciences ; and that no man shall be  
“ disquieted, or called in question for differences  
“ of opinion in matters of religion, which do not  
“ disturb the peace of the kingdom ; and that  
“ we shall be ready to consent to such an act of  
“ parliament, as, upon mature deliberation, shall  
“ be offered to us, for the full granting that indul-  
“ gence.” Such was the promise :—unfortunately  
both for the monarch and his subjects, it was  
completely violated in respect both to the protes-  
tant dissenters and the roman-catholics :—In this  
chapter we shall succinctly state its violation in  
respect to the former.

During the fifteen years, which immediately pre-  
ceded the time, of which we are now speaking, the  
hierarchy of the church of England was broken,  
its liturgy set aside, a new form of worship esta-  
blished, and the constituted authorities and almost  
every individual of influence either in church or  
state was presbyterian or independent. This was  
reversed by the Restoration ; still, as several per-  
sons of distinction and a large proportion of the  
people yet adhered to the dissenters, their interest  
was considerable, and required management ; it was  
the more difficult to be inattentive to it, as it was  
impossible to deny, that the presbyterians had been  
eminently useful in bringing about the restoration  
of the monarch, or that his promises to them of  
toleration were both ample and explicit.

\* 25 October 1660.



At first, great attention was shewn to them: some even of the dissenting ministers were retained among the royal chaplains and preached before his majesty. A deputation from them was introduced to him by the duke of Manchester \*. They suggested in firm but respectful language, the utility of a general religious union; and that it could only be effected, by confining the terms of communion to points, which were deemed essential, each party conceding the rest. The king desired to see their concessions; these, they consented to deliver in writing to his majesty, but requested that the bishops might do the same.

The dissenters accordingly communicated their proposal; they began by four preliminary requests, —that serious godliness might be countenanced; that a learned and pious minister in each parish, should be encouraged; that a personal public owning of the baptismal covenant should precede the admission to the Lord's table; and that the Lord's day should be strictly sanctified. They then intimated that bishop Usher's system of episcopal government should be the ground-work of the accommodation. According to this, the concerns of the church were to be transacted by four graduated synods, and a national council. 1. The rector or pastor and churchwarden or sidemen were to form a *parochial synod*, that should meet weekly, and take notice of those, who lived scandalously, and admonish them; and, if they were not reclaimed, report them to the monthly synod: 2. Every rural

\* June 1660.

deanery of the established church was to have a superintendent called a suffragan : he and the rectors or pastors within the circuit were to form the *suffragan synod* ; it was to meet monthly, to receive the report of the parochial synod, to notice, and if necessary, censure all new opinions, heresies and schisms within the district : 3. A certain number of the deaneries or suffragancies was to constitute a diocese, under the government of a bishop or superintendent. Once or twice in every year he was to hold an assembly of the suffragans, and rectors or pastors, within his diocese. This was to constitute a *diocesan synod* ; here, matters of particular moment were to be discussed ; and appeals from the synod of suffragans and rectors were to be received, and all questions in it were to be determined by a plurality of the voices of the suffragans : 4. All the bishops or superintendents within each of the two provinces of Canterbury and York, and the rectors or suffragans of their dioceses, and of a certain number of the clergy, to be elected out of the diocese to which they belonged, were to form a *provincial synod*, that should be held in every third year. The primate of each province was to preside over this assembly, as moderator. It was to receive appeals from the diocesan synod : 5. But the assemblies of each province might unite, and form a *national council*. Here, appeals from all inferior synods might be received, all their proceedings examined, and such ecclesiastical constitutions, as concerned the state and church of the whole nation, might be established.

It is evident that both the form and spirit of this scheme of ecclesiastical economy, though some episcopalian words were introduced into it, were presbyterian : it was rendered still more so by certain proposals, with which it was accompanied : in these, the dissenting ministers acquiesced in a liturgy ; but, without absolutely rejecting the surplice, the use of the cross in baptism, the bowing at the name of Jesus, and other ceremonies, they observed, that the church service was perfect without them ; that they were rejected by most of the protestant churches abroad, and that they had been the cause of much disunion and disturbance in England. They requested that none of their ministers might be ejected from sequestered livings, the incumbents of which were dead ; that no oaths, subscriptions, or renunciation of orders might be required of them, until there should be a general settlement of the religious concerns of the nation\*.

The king received these propositions with kindness, and communicated them to the bishops ; some were for concessions to the dissenters, others, for an immediate and absolute rejection of their advances. Lord chancellor Clarendon, who had the sole direction, at this time, of the royal councils, sided with the latter. “ It was,” he always declared, “ an unhappy policy and always unhappily “ applied, to imagine that dissenters could be re- “ covered or reconciled by partial concessions, or

\* Collier's Hist. vol. ii. p. 871, 872, 873.



“ by granting less than they demanded. Their  
“ faction,” he said, “ was their religion\*.”

The answer of the bishops was expressed in guarded terms. They observed that the law had sufficiently provided for many of the regulations solicited ;—for those particularly, which were mentioned in the four preliminary requests ; that the bishops were willing to allow liberty of conscience, but could not allow conventicles, as these were dangerous to the state ; that the Common Prayer was altogether unexceptionable, and could not be too strictly enjoined ; yet, that they were willing to revise it, if his majesty should think it proper : they were willing that extemporary prayer might be used both before and after the service ;—but they were unwilling to part with any of the ceremonies.

The answer of the bishops being communicated to the king, his majesty caused a copy of it to be given to the dissenters, with an intimation, that he would commit to writing the particulars of the indulgence, which he meant to shew them ; but that they should receive a copy of the instrument, and be at liberty to comment upon it before it was published. It was accordingly communicated to them : they returned a minute, which contained the heads of their objections. A meeting took place at the chancellor’s ; the king, accompanied by several of his principal nobility, attended ; the established church was represented by several prelates and some distin-

\* Life, vol. ii. p. 128.

guished private divines; the dissenters, by Reinolds, Calamy, Baxter and other ministers of eminence. The projected *declaration of his majesty* was read; each party was allowed to state succinctly their objections; and of this liberty the dissenters availed themselves. When the perusal and discussion of the declarations were finished, the lord chancellor read a supplemental clause, in which his majesty signified a wish, “that others also might be permitted “to meet for religious worship, provided they gave “no disturbance to the public peace; and that they “might not be molested by any justice of peace, or “other officer.” It was suspected both by the prelates and the dissenters, that this clause was introduced to bring roman-catholics and socinians within the toleration; both parties disapproved it for this reason; a profound silence ensued; but, after a short time, Baxter rose and protested against the toleration of papists and socinians:—“The “presbyterians,” he said, “desired not favour to “themselves alone; and rigorous severity, they desired against none. As they humbly thanked his “majesty for his indulgence to themselves, so they “distinguished the tolerable parties from the intolerable: for the former, they humbly craved just “lenity and favour; but for the latter, such as the “papists and socinians, for their parts, they could “not make *their* toleration *their* request.”

His majesty’s declaration was then promulgated\*: the language of it announced principles of mode-

\* 25 October 1660. Collier has inserted it at length, vol. ii. p. 874.

ration and comprehension. The king promised to provide suffragan bishops for the larger dioceses ; that these should not confer ordination, or exercise any other act of jurisdiction, without the advice and assistance of presbyters, chosen by the diocese ;—that reasonable alterations should be made in the liturgy ; that the church form of worship should not be forced on those who were unwilling to receive it ; and that the surplice, the cross in baptism, or the bow at the name of Jesus should not be rigidly insisted upon.—His majesty closed the declaration, by solemnly recognizing the promise of religious indulgence, made by him at Breda.—It is a just observation of Hume \*, that this declaration was made by the king as head of the church ; and that he plainly assumed, in many parts of it, a legislative authority in ecclesiastical matters†.

It generally satisfied the dissenters. Baxter, as he himself declares, was overjoyed: he waited immediately on the chancellor, gave him many thanks for the concessions, and added, that, if the liturgy should be altered as the declaration promised, and the declaration itself made a law, he should think it a duty to encourage a general union‡.

\* Hist. chap. lxiii.

† Collier has a similar remark, vol. ii. p. 876.

‡ “ The History of England during the reign of king William, queen Anne, and king George I, with an introductory review of the reigns of the royal brothers Charles and James ; in which are to be found the seeds of the revolution ; by a Lover of Truth and Liberty, 2 vols. fol. 1744.”

Mr. James Ralph, a political writer of eminence in his time, was the author of this history.—Mr. Chalmers thus



The trials of the regicides soon followed this event; it appears, from what took place on them, that the feelings of the king, in their regard, were less vindictive than those of his parliament or his people. The trials were attended with one circumstance, which gave general disgust,—that several of the popular party sate as the judges of the criminals, and sentenced them to die for a rebellion, to which they themselves had excited them\*.

The civil dissensions of the kingdom appeared now to be effectually composed: but a further settlement of its religious agitation was obviously necessary: the roman-catholics, the anabaptists and the quakers would have been satisfied with toleration; but prelacy and presbytery were striving

speaks of it in his Biographical Dictionary:—"This was always considered a very useful work. Ralph had read a great deal, and was very conversant on the history and politics of the country. He applied himself, with great industry, to the study of all writings upon party matters: and had collected a prodigious number of pamphlets respecting the contests of whig and tory, the essence of which he incorporated into his work, so as to make it a fund of curious information and opinions, of which more regular historians might afterwards avail themselves."—Mr. Fox in his late historical work pronounces him to be "an historian of great acuteness, as well as diligence; but who falls sometimes into the common error of judging too much from the event."—To be thus spoken of by Mr. Fox, argues no common merit. It appears to the writer of these pages, that an abridgment of this work, in which this historian's noble principles of whiggism should be allowed their place, with a continuation of it on the same plan, would be a useful and a popular work.

\* Dalrymple's Memoirs, p. 21.

for the ascendancy. An attempt to effect an amicable arrangement of their claims was made by a *conference* of twelve bishops and twelve dissenting ministers, which took place, under the royal authority, at the Savoy\*. It was unsuccessful; and was immediately followed by the act, which was passed for restoring the bishops to their seats in parliament, from which, an act sanctioned by Charles I, immediately before the commencement of the civil war, had excluded them.

The corporation act†, passed in the same year, was the commencement of hostilities against the protestant dissenters. Powers were given by it to commissioners to be appointed by the king to expel from corporations any officers they should think proper, and to place other persons in their room: it was further provided by it, that, for the future, no person should be appointed to any office or place relating to the government of corporations, boroughs, or the cinque ports, who had not, within the preceding twelve months, taken the sacrament of the Lord's supper, according to the rites of the church of England.

Hume gives the following account of the object of this act: "During the violent and jealous government of the parliament and of the protector, all

\* March 1661. All the papers relating to the conference at the Savoy, are collected in the "History of Non-conformity."—A clear view is given of them by Mr. Neale, in his History of the Puritans, vol. ii. ch. vi.

† 13 Car. II. st. 2, c. 1. (1661.)—An act for the well governing and regulating of corporations.

“ magistrates liable to suspicions had been expelled  
“ the corporations, and none had been admitted,  
“ who gave not proofs of affection to the ruling  
“ powers, or who refused to subscribe the covenant.  
“ To leave all authority in such hands, seemed  
“ dangerous ; and therefore the parliament em-  
“ powered the king to appoint commissioners for  
“ regulating the corporations, and expel such magis-  
“ trates as either had obtruded themselves by vio-  
“ lence, or professed principles dangerous to the  
“ constitution civil or ecclesiastical.” These ex-  
pressions of Hume appear to justify an assertion of  
the protestant dissenters and the advocates of their  
cause, that, if the real object of the act was to be  
collected from a fair construction of the terms, in  
which it is expressed, it was levelled against the civil  
not the religious principles of those, against whom  
it was designed to operate ;—against the evil spirits,  
mentioned in the preamble of the act to be still at  
work, and not against the presbyterians, whose actual  
loyalty was then admitted, and who were then ac-  
knowledgeed to have been particularly instrumental  
in placing his majesty on the throne.

It is also important to consider, that, at the time  
of the passing of this act, the negotiation for the  
comprehension was still in progress, and that great  
hopes of its success were still entertained. Hence  
the act only required the sacrament to be taken ac-  
cording to the rites, which *should be* established,  
when the terms of the comprehension, which it was  
expected would be agreeable to both parties, should



be settled. It is certain that, the corporation act was viewed by many dissenters in this light, and that several were reconciled to it by this circumstance : but events quickly followed, which demonstrated, that it really was aimed at the general body of dissenters, and that, though it was purposely expressed in such terms, as to give it an appearance of providing only for the civil government of the country, and, on that account, not to conflict with his majesty's declaration at Breda, it was really levelled at the presbyterians and the other dissenting sectaries, and intended to effect their ruin.

This was completed by the act of uniformity\* which was passed in the following year. It provided, that all ministers, who had not been episcopally ordained, should be re-ordained by a bishop of the established church ; that every minister, having an ecclesiastical benefice, should on the then next 22d day of August, (the feast of Saint Bartholomew),—read publicly and solemnly, in the church belonging to his benefice, the morning and evening service in the book of Common Prayer ; and express, in the words prescribed by the act, his unfeigned assent and consent to the use of all things contained in the book, under pain of instant deprivation of all his spiritual preferments : that he should take the oath of canonical obedience : and that deans,

\* 13 & 14 Car. II, c. 4. (1662.)—An act for the uniformity of public prayer and administration of the sacraments, and other rites and ceremonies ; and for establishing the form of making, ordaining and consecrating bishops, priests and deacons in the church of England.

heads of colleges, professors, lecturers, schoolmasters and generally all persons having ecclesiastical dignity or promotion, should, before the same day, sign a declaration prescribed by the act, by which they were to abjure the solemn league and covenant, and testify their belief, that it was not lawful to take arms against the king. Bishop Burnet says, that “ Saint Bartholomew’s day was fixed on for the operation of the act, that, if the ministers were then deprived, they should lose the profits of the whole year, since the tythes are commonly due at Michaelmas. The presbyterians,” he says, “ remembered what Saint Bartholomew’s day had been at Paris ninety years before, and did not stick to compare the one to the other.”

This celebrated act received the royal assent on the 19th of May 1662. It has been mentioned, that the book of Common Prayer had been committed by the king to the bishops for their revision: they altered it in some places, and added to it in others; but it was not printed until some time after the passing of the act of uniformity. If we believe Neale\*, not one divine in ten, that lived at any considerable distance from London, had it in his power to peruse it before Saint Bartholomew’s day: “ The matter,” says Burnet, “ was driven on with such precipitancy, that it seemed to be implied, that the clergy should subscribe to the book implicitly, without having seen it ;—this,” he says, “ had

\* Hist. vol. ii. chap. vi.

“ been done by too many, as the bishops themselves  
“ confessed \*.”

The dissenters were divided on some of the objections made to a compliance with the act : all, however, protested that they could not conscientiously “ give their assent and consent to all and  
“ every thing contained in the book of Common  
“ Prayer,” and that no human power was authorized to require such a declaration from them.

At length Saint Bartholomew’s day arrived, and 2,000 ministers gave up their livings. This, to use the words of Burnet, raised a grievous cry over the nation. The ejected ministers, says Neale, were driven from their houses, from the society of their friends ; and, what was yet more affecting, from all their usefulness.

Under these severities, by an inconsistency, which their sufferings excused, they resorted to the dispensing power of the king for relief against the operations of the act. Three days after it took place, Mr. Calamy and some other of their leading divines, presented a petition to this effect to his majesty. It was debated in council on the following day ; his majesty was present, and declared that “ he intended an indulgence, if it were at all feasible.”—But Dr. Sheldon, who was then bishop of London, and afterwards archbishop of Canterbury, argued against it : he declared that the suspension of the law would be illegal, and that the

\* Hist. vol. i. p. 184, 185.



repeal of it would expose those, who had passed it, to the sport and scorn of the presbyterian faction.

“ Thus,” says the historian Ralph \*, “ in this  
“ one event, we are furnished with two signal in-  
“ stances of the self-inconsistency of parties : the  
“ dissenters calling upon the king to exercise a dis-  
“ pensing power ; and a bishop disputing the will  
“ of his sovereign, and contending for the supre-  
“ macy of the law.”

The intolerants prevailed, and the petition of the dissenters was rejected. His majesty, however, was pleased to exercise his dispensing power in favour of some protestant Walloons settled at Thorney, in the isle of Ely, by granting them leave by his letters patent, to use their liturgy in their own language, and to regulate their other religious concerns, by their own discipline. About the same time, by a strong exercise of his spiritual supremacy, he addressed a letter to the archbishop of Canterbury, by which he directed what topics the established clergy should discuss, and what they should avoid in their sermons ; and made other regulations respecting their discipline †.

The dissenters filled England with their complaints against the act : perceiving that they made a considerable impression on the public mind, his majesty, about four months after his sanctioning it, issued a declaration of indulgence ‡. He mentions

\* Hist. p. 77.

† Dated 14 October 1762. Ralph has inserted it at length in his History.

‡ 26 December 1662.

in it the promises of liberty of conscience contained in his declaration at Breda; he observes that he had been zealous to settle the uniformity of the church of England; promises to maintain it, and then, "as to what concerned those, who, living peaceably, did not conform themselves to it through scrupulous and misguided conscience," he declares, that, "in the approaching sessions, he would endeavour to induce parliament to concur with him in an act, which might enable him to exercise, with a more universal satisfaction, that power of dispensing, which he conceived to be inherent in him."

Whatever hopes were raised by this declaration, they were of short duration: no alleviation of the act of uniformity took place; and two acts were passed for suppressing conventicles, the name usually given to the religious meetings of the dissenters\*. By the first, persons preaching in them, were prohibited from coming within five miles of any town corporate or borough, under the penalty of 40*l*. The operation of this act was limited to three years:—on its expiration another was passed, which provided, that, whenever five persons, above those of the same household, should assemble in a religious congregation, each should be liable, for the first offence, to be imprisoned for three months, or to pay 5*l*.; for the second, to be imprisoned six

\* 16 Car. II, c. 1. (1664.) An act to prevent and suppress seditious conventicles. 22 Car. II, c. 1. (1670,) with the same title. The first of these acts expired at the end of three years.

months, or to pay 10*l.*; and for the third to be transported seven years, or to pay 100*l.*

Thus, to avail ourselves of the candid acknowledgments of Hume \*, “all the king’s kind promises  
“ of toleration and indulgence to tender consciences,  
“ were eluded and broken.” Lord Clarendon † defends the monarch against this charge on three grounds ;—“ The presbyterians,” says his lordship,  
“ complained that the king had violated his promise  
“ made to them in his declaration at Breda, which  
“ was urged with great uningenuity and without  
“ any shadow of right, for his majesty had thereby  
“ referred the whole settlement of all things re-  
“ lating to religion, to the wisdom of parliament.”—Hume justly replies,—“ It is true that Charles, in  
“ his declaration from Breda, had expressed his  
“ intention of regulating that indulgence, by the  
“ advice and authority of parliament : but this limi-  
“ tation could never reasonably be extended to a  
“ total infringement and violation of all his engage-  
“ ments.” To the noble historian’s two other excuses,—that the indulgence was promised to the scrupulous, not to the factious ; and that the sovereign was willing and sought to perform his promise, but that the decided hostility of parliament put it beyond his power,—no answer is necessary. Lord Clarendon mentions frequently the malignity of the sectaries: Hume justly observes, that the chief cause of that malignity was the restraint, under which they laboured : in this, as on all such occa-

\* Hist. ch. xliii.      † Life, vol. ii. p. 156.



sions, the removal of the cause would, though perhaps slowly, have removed the effect.

It is observable, that the monarch, in his declaration of indulgence, intimates those pretensions to the dispensing power, which were afterwards openly avowed, both by him and his successor in the throne. From this circumstance, Hume and other respectable historians have suggested, that, even at this time, the monarch had formed a settled plan of affording to the roman-catholics a legal toleration of their religion; and that his severities to the protestant dissenters proceeded from refined policy. He calculated,—if we should believe these writers,—that, to avoid the grinding operation of these severities, the protestant dissenters would gladly avail themselves of any exertions of the dispensing power, which the crown should make in their favour; and thus, having themselves profited of them, could not afterwards consistently call in question, either the monarch's title to the prerogative, or the justice of his exercising it in favour of others. A passage in Burnet's History may be thought to make this probable\*: but nothing certainly could be more contrary to such views, than the principles and feelings of Clarendon, by whose counsels his majesty was, at this time, solely guided in all his measures, and particularly in those, which were then taken against the protestant dissenters. The minister's strong and persevering hostility to them, and to the roman-catholics, is the greatest blot in his character, otherwise highly estimable.

\* Vol. i. p. 179.

One circumstance of particular hardship, attended the expulsion of the dissenting ministers from their livings. When the monks and nuns were expelled from their religious abodes by Henry VIII, and when the catholic clergy were deprived of their benefices by Elizabeth, some allowances were made to them; and when the presbyterians ejected the established hierarchy, a fifth of each living had been left to the ejected clergymen; but on the expulsion of the non-conformist ministers, no such allowances were made: it was recommended by the peers, but was absolutely rejected by the commons.

The several acts of parliament noticed in this chapter, had the effect of changing the name of puritans into that of *protestant non-conformists*. The acts for suppressing conventicles considerably increased their sufferings. By virtue of them, says Neale\*, the gaols in the several counties were quickly filled with dissenting protestants; the houses of the ministers were broken open, their hearers taken into custody, the legal penalties of 20*l.* upon the minister, 20*l.* upon the house, and 5*l.* on each hearer, were exacted: if not paid, they were levied by the sale of the cattle and goods of the offenders; and if these did not suffice to answer them, the parties were hurried to prison and kept in close confinement for three or even six months. Several were fined, several excommunicated for not coming to church, and some were sentenced to abjure the

\* Hist. vol. ii. ch. vii. In the present chapter we frequently use his words.

realm. To avoid these severities, several occasionally frequented the churches of the establishment : this was termed occasional conformity : it was defended by some presbyterian divines ; but the independents, anabaptists and quakers universally disclaimed it. The firmness of the quakers, always passive but never yielding, was singularly remarkable.

The general sufferings of the non-conformists of every denomination were certainly very great : it has been asserted that eight thousand of them perished in the reign of Charles II, merely for dissenting from the church \*. This persecution of them was attended by one singular circumstance : In every other instance, where one denomination of christians has persecuted another, it has been on the ground, that the errors, which they professed to punish, were impious, and led the maintainers of them to eternal perdition ; and therefore rendered these wholesome severities, as the persecutors termed them, salutary to the sufferers. But, when the protestant of the church of England thus acted in the manner which has been mentioned against the protestant non-conformist, he persecuted a christian, who agreed with him in all, which he himself deemed to be substantial articles of faith, and differed from him only in rites and ceremonies, which he himself allowed to be indifferent †.

\* See the preface to De Laune's Plea for Non-conformists, by the editor of that work.

† This is Neale's just remark, vol. ii. ch. 6.



A temporary relaxation of these severities was made by the declaration of indulgence, which was issued by his majesty soon after his alliance with France against Holland \*. By this, in virtue of an authority, which he asserted to be inherent in him, and to have been often recognized by the nation, he generally suspended the penal laws, both in respect to the protestant non-conformists and the roman-catholic recusants, and granted to the former a public, and to the latter a private exercise of their religion. But, in the following year, the commons having warmly remonstrated against this declaration, as an open and inexcusable violation of the constitution, with an intimation, that its principal though concealed object, was to favour the catholics, his majesty recalled it, and with his own hands broke the seals.

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## CHAP. LXV.

ADDRESSES OF THE ENGLISH CATHOLICS ON THE  
ACCESSION OF CHARLES THE SECOND,—FIRST  
PROCEEDINGS IN THEIR REGARD,—FIRE OF  
LONDON,—OATES'S PLOT.

THE events in this reign, in which the catholics were deeply interested, are numerous.

We shall present the reader, I. With an account of the addresses presented by the English catholics

\* 13 March 1672.

on the restoration of Charles II : II. Of the proceedings in parliament, which, upon that event, took place in their regard : III. Then mention the fire of London : IV. Then state some facts and offer some observations on Oates's plot : V. Then insert the apology addressed to the peers of England by lord Castlemain, in consequence of the new severities, with which the catholics were then threatened : VI. Then notice the act preventing catholic peers and commoners from sitting in parliament : VII. And conclude the chapter with a summary review given by a protestant writer of the religious persecutions in England from the reformation till the end of the reign of Charles II ;—and some general reflections upon them.

### LXV. 1.

*Addresses presented by the English Catholics on the restoration of Charles the second.*

ON the restoration of Charles II, the expectations of his catholic subjects were very great, and, were certainly reasonable. In every stage of the civil conflict, his father and himself, had found the lives and fortunes of the catholics at their command : there was scarcely a catholic family, some members of which had not perished in the field ; or a large proportion of whose property had not been confiscated, in consequence of their loyalty. They presented three addresses to his majesty.

The first was signed by the dean and chapter.—

“ We hold,” they say, “ that the pope hath no  
“ power, directly or indirectly, to lay commands  
“ on the king’s catholick subjects in anything be-  
“ longing to civil and temporal matters ; and con-  
“ trarywise, that the aforesayd supream dominion  
“ and power of majestie extends over all his subjects,  
“ as well ecclesiasticke as layicke, and in all cases,  
“ not only temporall but also spirituall, as far forth  
“ as they may have respect to the civil and politick  
“ government. And that therefore wee hold our-  
“ selves bound never to suffer or permit, as far as  
“ lyes in our power, that any person or persons, eccle-  
“ siastic or layick, exercise at any time, any juris-  
“ diction, power, or authoritie in this kingdom, or  
“ in any other part of his majesty’s dominions, over  
“ his majesty’s subjects, in thinges appertaining to  
“ or reflectinge upon his civill government, without  
“ the knowledge and leave of his sayd majestie ;  
“ much less, without violence to the sacred prin-  
“ ciple aforesaid, can or doe wee hold that the pope  
“ either hath, by himselfe, or by any authoritie  
“ derived from his see, any rightfull power of de-  
“ posinge kings, whether catholicke or not catholicke,  
“ disposinge of their dominions and kingdoms, or  
“ of authorizinge any externe prince, or other per-  
“ son or persons whatsoever, to invade or endamage  
“ either his majestie’s sacred person, or any part of  
“ his dominions.

“ But most of all wee detest from our harts that  
“ impious, damnable, and most unchristian position,  
“ that kings or absolute princes, of what belief  
“ soever, who are excommunicated by the pope, may



“ be deposed, killed, or murdered by their subjects, as clearly contrary to the word of God.”

A second address was presented by the English Benedictines and other regular clergy.—They cite several sentences of foreign universities condemning the claim of the pope to temporal power by divine right :—the principal of these are mentioned in the opinions of the foreign universities transcribed in the Appendix to these Memoirs. The addressers conclude their protestation in these words.

“ This protestation we make in the presence of  
“ God and his holy angels, without any equivocation or mental reservation whatsoever. The which  
“ doctrine of mental reservation wee doe deteste  
“ and abhorre as most unchristian and execrable :  
“ especially in professions of this nature ; as also in  
“ all promises and contracts made with any, or  
“ when wee are convened before any legall magistrate, of what religion soever.

“ And now,—our hope is, that this our profession will be esteemed sufficient to satisfy the state  
“ and kingdome, that the catholick religion does not  
“ deserve such imputations, as upon occasion of the  
“ writings or crimes of a few unhappy persons, have  
“ been undeservedly cast upon it. As likewise to  
“ demonstrate, that both for an acknowledgment  
“ of his majestie’s just supremacy in all temporall  
“ power, as a civil governour, and likewise our readiness to perform all due allegiance to him and  
“ his successours, according to the lawes of these  
“ kingdomes, wee his distressed roman-catholick

“ subjects, are by our religion as much obliged, and  
 “ God willing, shall never come short of any other  
 “ subjects, of what persuasion in matters of religion  
 “ soever they be. However, in case that which is  
 “ here written and protested shall not be esteemed  
 “ sufficient for this purpose, our most humble suit  
 “ is, that wee may be permitted further to explain  
 “ ourselves, and against all exceptions to justify  
 “ our most unalterable fidelity, loyalty and sin-  
 “ cerity.”

3. Another address, composed by sir John Arundell afterwards created baron Arundell of Wardour, was presented by him in the name of himself and the general body of the English catholics :—a noble appeal to justice and humanity!—it is expressed in the following terms :

“ Most mighty Soveraigne,  
 “ Your roman-catholique subjects,—considering  
 “ in how miraculous a manner God hath preserved  
 “ and now sent your majestie to this desolate na-  
 “ tion, to redresse the aggrievances of your people,  
 “ and repaire the breaches made by the late unhappy  
 “ distempers both in the state and lawes,—have  
 “ thought this a convenient and seasonable tyme to  
 “ cast themselves at the feete of your mercy for a re-  
 “ peale of those penal statutes, under which they and  
 “ their forefathers have long groaned ;—in order to  
 “ obteyning which signal favour from your most boun-  
 “ teous hand, wee here present you some equitable  
 “ motives, nor are we diffident of your acceptance  
 “ thereof, especially at a tyme, when you are pleased

“ to afford a gracious hearing to many sects and  
 “ professors of new opinions under a notion of ten-  
 “ der consciences, promising a free and full pardon  
 “ of all such,—(some few excepted, whose hands  
 “ were deepest in your royal father’s innocent  
 “ blood),—as should submit themselves to your  
 “ clemencie, which we here doe in a most humble  
 “ manner, and therefore want not cause to hope  
 “ that the effects of your mercie and goodness will  
 “ not be shortened or denied to us alone.

“ *Our first motive*,—is, by proving to your ma-  
 “ jestie, that all the causes of your predecessor’s  
 “ penal lawes are now ceased, and therefore in rea-  
 “ son, mercie, and justice, the lawes themselves  
 “ ought likewise to cease.—We come to the par-  
 “ ticulars.

“ Henry the eighth’s penal statutes were made  
 “ to remove the pope’s authoritie, which stood in  
 “ his way, an insuperable impediment, to the enjoy-  
 “ ment of his beloved mistris Anne of Bullen, till  
 “ such time as he had removed it, by changing the  
 “ religion of his ancestors, and assuming to himself  
 “ the head-shipp of the church, that so, he might  
 “ dispence with himselfe in the case,—(a thing the  
 “ pope declared he could not doe),—and make  
 “ all lawful to himselfe which hee listed. Hence he  
 “ enacted a lawe, that, whoever would not acknow-  
 “ ledge him supream head of the church and  
 “ renounce the pope’s authoritie,—(which was  
 “ acknowledged by all his royal ancestors from  
 “ England’s conversion to that tyme) should loose his  
 “ estate and be putt to death for an heretick. This



“ reason reacheth not at all to your majestie, who  
“ are no way concerned in any such abominable  
“ case, nor swayed by sinfull passion as he was ;  
“ but of just and equall christian temper, and there-  
“ fore neede not the defence or cloake of such a  
“ law.

“ Queen Elizabeth’s penall statutes were made  
“ to strengthen and secure her title to the crowne,  
“ —(which was knowne to be but weake, Marie’s  
“ mother being alive two yeares after she was  
“ borne),—against the true and lawful title of  
“ Mary queen of Scots, your great-grandmother,  
“ of blessed memory, of whom she alwaies had  
“ much jealousie, as well by reason of her alliance  
“ with France, and right declared by the sentence  
“ of the church against the devorce of her father  
“ from his lawfull wife, as also by reason of her own  
“ illegitimation declared by her father in parlia-  
“ ment, and the excommunications denounced  
“ against her. These were the reasons of her  
“ penall statutes, which can be no reasons to your  
“ majestie to continue, but rather to annull and re-  
“ peal them, seeing the causes of her feares are just  
“ confirmation of your confidence in us, as plainly  
“ giving testimony to your rightfull succession and  
“ most legitimate possession of the crowne, which  
“ wee have all endeavoured to defend during those  
“ late commotions, not onely to a sale and seques-  
“ tration of our estates, but deprivation also of our  
“ lives.

“ The penall statutes of king James your royall  
“ grandfather, of happy memory, were occasioned

“ by that horrid and blackest of plotts,—(wee ex-  
“ cept none but this of fresher memory against your  
“ royall father and yourselfe),—the gunpowder plot,  
“ —which was construed and carried on by a few  
“ wretched men of broken and desperate fortunes,—  
“ the generalitie of roman-catholiques knowing  
“ nothing of it, and all protesting against it even  
“ to this day, as a most damnable designe, con-  
“ trary to their faith and religion. And here,  
“ we humbly appeale to your gracious majestie,  
“ whether it be consistent either with reason, mercie  
“ or justice, that a multitude of innocent persons  
“ should suffer so long under so many penall lawes  
“ for the fault and wickedness of an inconsiderable  
“ number, whom they have ever disclaymed and  
“ had nothing to doe with at all ;—may we not,  
“ now at least, with much modestie petition your  
“ royall highness for a repeale thereof? We hope  
“ we may, and doe it at your feete ; humbly be-  
“ seeching you that, whilst you offer pardon to  
“ desperate rebels, even such as have been stained  
“ with your father’s blood,—(a demonstration of  
“ your matchless clemencie),—it may not be denied  
“ to innocent subjects, whose blood hath often  
“ beene a sacrifice to his and your defence and  
“ safetie ; which may, we hope, preponderate to that  
“ designe of a few impious plotters, seeing it is not  
“ the way of your clemencie to punish a multitude  
“ for the sinns of a few, but rather a few for a mul-  
“ titude ; witness your overture of a general pardon.  
“ Let not therefore the crime of a few catholiques  
“ be made the fault of all !

“ By what hath hitherto been said, it cannot but  
“ appear to your majestie, that all those penall lawes  
“ of your ancestors were merely particular, and  
“ related onely to the tymes they were made in ;  
“ not being applicable to the present, and therefore  
“ the cause or reason of them ceasing, we humbly  
“ begg that the effects may likewise cease.

“ *A second motive* for repealing them, is,—from  
“ that expression of Mary queene of Scots,—your  
“ great-grandmother of blessed memory,—made  
“ at the tyme of her arraignment and execution  
“ before the lords there assembled, viz. ‘ Woe is mee  
“ for the poore catholiques, and the miseries I fore-  
“ see they are like to suffer for their irremoveable  
“ affection to me and mine ; if I were free as mye  
“ stile and innocencie requireth, I would gladly  
“ redeeme their vexations with my dearest blood !’  
“ &c.—Let then your gracious mercie and autho-  
“ ritie effect what she dying so earnestly designed,  
“ and lett not those be sufferers by and from you,  
“ whose chiefest sufferings have beene heretofore  
“ for you and yours, not to say any thing of those  
“ sequestrations and degradations layd upon them  
“ of late tymes, for meare performance of their  
“ dutie and allegiance to your royal father and  
“ yourself. Wee shall add onely to this motive,  
“ that gracious saying of king James, made in par-  
“ liament, viz. ‘ that he would have no blood for  
“ religion, nor no soule-money contrary to the word  
“ of God,’ &c. humbly beseeching God, in whose  
“ hands the hearts of kings are, that his so pious a



“ resolution towards his catholique loyal subjects,  
“ may make a deep impression on your heart.

“ *A third motive*,—is from our religion, which  
“ strictly teacheth and commaundeth us, under  
“ pain of eternal damnation, to render as to God  
“ the things that are God’s, so to Cæsar the things  
“ that are Cæsar’s, and to obey our temporall  
“ princes and magistrates, not for feare onely, but  
“ for conscience sake, seeing to resist their au-  
“ thoritie is to resist the ordinance of God, which  
“ we believe with a most steadfast faith ; nor are  
“ wee longer roman-catholiques, than wee so believe.  
“ We believe also, and sincerely protest before God  
“ and men, without any equivocation or mental re-  
“ servation, that we owe obedience and allegiance  
“ to our soveraigne lord king Charles, his heires  
“ and successors, and will perform it faithfully to  
“ him and them, notwithstanding any absolution  
“ or dispensation to the contrary whatsoever. We  
“ believe likewise, and swear from our hearts, that  
“ wee ought and will defend the person, rights,  
“ titles and dignities of our said soveraigne lord  
“ king Charles, his heirs and successors, with the  
“ utmost hazard of our lives and fortunes against all  
“ plotts, conspiracies, and invasions of any power,  
“ foreine or domestique, whatsoever, even in case of  
“ papall deposition and deprivation.

“ As to the imputation of idolatrie and super-  
“ stition, so often charged on our religion by some  
“ defamatorie penne and tongues, wee humbly con-  
“ ceive the judgment to have beene given alreadie

“ on our side by so many generall counccills abroad,  
“ and so many convocations and parliaments at  
“ home,—(fortie for one at the least),— command-  
“ ing and approving the religion we professe, that  
“ your majestie cannott doubt the authors of that  
“ imputation to be more zealous than knowing, and  
“ more malicious than mercifull. I am sure your  
“ learned grandfather of happie memorie king  
“ James, thought no lesse of them when he said,  
“ that ‘ such as affirmed roman-catholiques not to  
“ be in a way to salvation, deserved to be burnt,’ &c.  
“ by which you may perceive what incendiaries  
“ they are, who endeavour to excite your royal  
“ highness and the good people of this nation against  
“ us, by falsely aspersing our religion with notes of  
“ superstition and idolatrie.

“ *A fourth motive*,—is from the fidelitie of roman-  
“ catholiques in queen Elizabeth’s tyme, testified by  
“ the lords of the privie counsell, who told them  
“ that the cause of their imprisonment was not for  
“ any doubt made of their loyaltie, but onely to pre-  
“ vent the Spaniard’s hopes of their assistance in  
“ his intended invasion ; nay, in that of 1688, they  
“ besought the lord North, then lieutenant of those  
“ parts, in the presence of the deane of Elye, that  
“ they might be employed in hastening forces to  
“ Tilbury campes, offering to serve in person, with  
“ their sonnes, tenants, and servants, at their owne  
“ charge, and to be placed in the front of the bat-  
“ tell, to testifie the loyaltie of their harts, and to  
“ stopp the mouthes of envious maligners ; all this  
“ was freely offered by them, notwithstanding the

“ queene had been twice excommunicated : a demon-  
 “ strable argument, that they were not conditionall  
 “ (as some objected) but absolute loyal and obedient  
 “ subjects.

“ *A fifth motive*,—is, from their immoveable fidelitie to your majestie’s predecessors, and your title in them strongly evidenced on all occasions, witnes the act of queene Mary and her catholique subjects, cancelling the forged will of her father, extreemly prejudiciall to your right to this crowne, disproving it in parliament, and deposing the usurping queene Jane, sett up by protestants to the disinheriting of queene Mary and his \* eldest sister’s issue, in whose right the crowne descended to your ancestors and you, by the law of God, nature and nations. We may add to this motive, that Hales his disloyal invective against your majestie’s title in the beginning of queene Elizabeth’s reigne was fully answered and confuted by sir Anthony Browne, one of the justices of the common pleas, and Mr. Edmund Plowden, two famous catholique lawyers, and gentlemen of good qualitie.

“ *A sixth and last motive*,—is, from our constant fidelitie, obedience, and affection towards your father of blessed memorie in all his late troubles, sufferings, and afflictions, as also to your own royall person, by zealously contributing to your miraculous preservations and deliveries out of the hands of bloody and rebell enemies.—What have we not beene readie to doe and suffer to the utter-

\* *i. e.* The issue of the eldest sister of Henry VIII.



“ most of our abilities for preserving your majestie’s  
“ person, rights, and dignities?—Whose life or  
“ fortune hath been spared?—What one knowne  
“ catholique of note in your three nations hath ever  
“ borne armes against you?—Which of them hath  
“ ever betrayed the trust reposed in them? Wee  
“ have beene ever constant to your just claim to the  
“ succession of this crowne; not ebbing or flowing  
“ in our affections, (like some others), according to  
“ the vicissitudes of your good or evill fortune, but  
“ alwayes resolute to live and dye with your majesty:  
“ nor did your father’s or your majestie’s declared  
“ zeale to the protestant religion, any way diminish  
“ the loyaltie of our hearts or hinder the perform-  
“ ance of our duties: than which what greater or  
“ more convincing testimonies of our fidelitie and  
“ allegiance can be given you?—

“ These things being so,—most royall soveraigne,  
“ we cannot doubt but your majestie will, in your  
“ princely wisdome, clemency, and justice, allow  
“ us to be now restored to that condition, which  
“ nature intended us, and is confirmed on us, as  
“ free borne Englishmen, by the great chartres of  
“ your royall ancestors, of which the violent passion  
“ of one prince, the apprehended title of another  
“ to the crowne, and the wicked attempt of a few  
“ seduced persons, have so unluckily and so long  
“ deprived us. Permit us therefore, most gracious  
“ soveraigne, to exercise securely that religion, in  
“ which your pious and most famous ancestors have  
“ so long flourished.

“ And your petitioners shall pray, &c.”

## LXV. 2.

*Proceedings in Parliament upon the Catholic Addresses.*

IN consequence of these addresses a committee of the house was appointed, to examine and report all the penal statutes, which reached to the taking away of the life of any catholic for his religion.—The committee met several times, but finally discontinued their sittings, without making a report. The writer has spared no pains to procure a full and accurate account of them, but without effect : The best information respecting them, which he has been able to procure, is given by lord Clarendon in his Historical Memoirs of his own Life :—we shall transcribe the passage at length :—it is both interesting and ill-natured.

“ Because we have mentioned the gracious purposes the king had to his roman-catholic subjects, of which afterwards much use was made to his dis-service, to which the vanity and presumption of many of that profession contributed very much ; it may not be unseasonable in this place to mention the ground of that his majesty’s goodness, and the reasons, why that purpose of him was not prosecuted to the purpose it was intended, after so fair a rise towards it, by the appointment of that committee in the house of peers, which is remembered above.

“ It is not to be wondered at, that the king, at the age he was of when the troubles began in

“ England, and when he came out of England, knew  
“ very little of the laws which had been long since  
“ made and were still in force against roman-catho-  
“ lics, and less of the grounds and motives, which  
“ had introduced those laws. And from the time  
“ that he was first beyond the seas, he could not be  
“ without hearing very much spoken against the  
“ protestant religion, and more for extolling and  
“ magnifying the religion of the church of Rome ;  
“ neither of which discourses made any impression  
“ upon him. And after the defeat at Worcester, and  
“ his escape from thence into France, the queen  
“ his mother,—(who had very punctually complied  
“ with the king her husband’s injunctions, in  
“ not suffering anybody to endeavour to pervert  
“ the prince her son in his religion, and when he  
“ came afterwards into France after he was king,  
“ continued the same reservation),—used much  
“ more sharpness in her discourse against the pro-  
“ testants, than she had been accustomed to. The  
“ liberty that his majesty formerly had in the  
“ Louvre, to have a place set aside for the exercise  
“ of his religion, was taken away : and continual  
“ discourses were made by the queen in his pre-  
“ sence, ‘ that he had now no hope ever to be re-  
“ stored to his dominions, but by the help of the  
“ catholics ; and therefore that he must apply him-  
“ self to them in such a way, as might induce them  
“ to help him.

“ About this time there was a short collection  
“ and abridgment made of all the penal laws,  
“ which had been made and which were still in  
“ force in England against the roman-catholics ;’



“ ‘ that all priests for saying mass were to be put to  
 “ death ;’ the great penalties which they were to  
 “ undergo, who entertained or harboured a priest  
 “ in their house, or were present at mass, and  
 “ the like ; with all other envious clauses, which  
 “ were in any acts of parliament that had been  
 “ enacted upon several treasons and conspiracies of  
 “ the roman-catholics, in the reigns of queen Eliza-  
 “ beth and king James. And this collection  
 “ they caused to be translated into French and  
 “ into Latin, and scattered it abroad in all places ;  
 “ after they had caused copies of it to be presented  
 “ to the queen mother of France, and to the  
 “ cardinal : so that the king came into no place  
 “ where those papers were not shewed to him, and  
 “ where he was not seriously asked, ‘ whether it  
 “ was a true collection of the laws of England,’ and  
 “ ‘ whether it was possible that any christian king-  
 “ dom could exercise so much tyranny against the  
 “ catholic religion.’ The king, who had never  
 “ heard of these particulars, did really believe that  
 “ the paper was forged, and answered, ‘ he did not  
 “ believe that there were such laws :’ and when  
 “ he came to his lodgings, he gave the chancellor  
 “ the paper, and bade him read it, and tell him  
 “ whether such laws were in force in England.  
 “ He had heard before of the scattering of those  
 “ papers, and knew well who had made the collec-  
 “ tion ; who had been a lawyer, and was a protes-  
 “ tant but had too good an opinion of the roman-  
 “ catholics, and desired too much to be grateful to  
 “ them.

“ The chancellor found an opportunity the next

“ day to enlarge upon the paper to his majesty, and  
“ informed him of ‘ the reasons in which, and the  
“ occasions and provocations upon which, those laws  
“ had been made ; of the frequent treasons and  
“ conspiracies which had been entered into by some  
“ roman-catholics always with the privity and ap-  
“ probation of their priests and confessors, against  
“ the person and life of queen Elizabeth ; and  
“ after her death, of the infamous and detestable  
“ gunpowder treason to have destroyed king James  
“ and his posterity, with the whole nobility of the  
“ kingdom : so that in those times, the pope having  
“ excommunicated the whole kingdom and absolved  
“ the subjects from all their oaths of fidelity, there  
“ seemed no expedient to preserve the crown, but  
“ the using those severities against those who were  
“ professed enemies to it. But that since those  
“ times, that the romish-catholics had lived quietly,  
“ that rigour had not been used : and that the  
“ king his father’s clemency towards those of that  
“ profession,—(which clemency extended no further  
“ than the dispensing with the utmost rigour of the  
“ laws),—was the ground of the scandal of his being  
“ popishly affected, that contributed as much to  
“ his ruin, as any particular malice in the worst of  
“ his enemies.’

“ The king hearkened attentively to all that was  
“ said, and then answered, ‘ that he could not  
“ doubt but there was some very extraordinary rea-  
“ son for the making such strange laws : but what-  
“ ever the reason then was, that it was at present  
“ and for many years past very evident, that there

“ was no such malignity in the roman-catholics,  
“ that should continue that heavy yoke upon their  
“ necks. That he knew well enough, that if he  
“ were in England, he had not in himself the power  
“ to repeal any act of parliament, without the con-  
“ sent of parliament : but that he knew no reason  
“ why he might not profess, that he did not like  
“ those laws which caused men to be put to death for  
“ their religion ; and that he would do his best, if  
“ ever God restored him to his kingdom, that those  
“ bloody laws might be repealed. And that if  
“ there were no other reason of state than he could  
“ yet comprehend, against the taking away the other  
“ penalties, he should be glad that all those dis-  
“ tinctions between his subjects might be removed ;  
“ and that whilst they were all equally good subjects,  
“ they might equally enjoy his protection.’ And  
“ his majesty did frequently, when he was in the  
“ courts of catholic princes, and when he was sure  
“ to hear the sharpness of the laws in England in-  
“ veighed against, enlarge upon the same discourse :  
“ and it had been a very unseasonable presumption  
“ in any man, who would have endeavoured to  
“ have dissuaded him from entertaining that can-  
“ dour in his heart.

“ With this gracious disposition his majesty re-  
“ turned into England ; and received his catholic  
“ subjects with the same grace and frankness, that  
“ he did his other : and they took all opportuni-  
“ ties to extol their own sufferings, which they  
“ would have understood to have been for him.  
“ And some very noble persons there were, who had



“ served his father very worthily in the war, and  
“ suffered as largely afterwards for having done so :  
“ but the number of those was not great, but much  
“ greater than of those who shewed any affection to  
“ him or for him, during the time of his absence, and  
“ the government of the usurper \*. Yet some few  
“ there were, even of those who had suffered most  
“ for his father, who did send him supply when he  
“ was abroad, though they were hardly able to pro-  
“ vide necessaries for themselves : and in his escape  
“ from Worcester, he received extraordinary bene-  
“ fit, by the fidelity of many poor people of that  
“ religion ; which his majesty was never reserved  
“ in the remembrance of †. And this gracious  
“ disposition in him did not then appear ingrateful  
“ to any. And then upon an address made to the  
“ house of peers in the name of the roman-catholics  
“ for some relaxation of those laws which were still  
“ in force against them, the house of peers ap-  
“ pointed that committee which is mentioned before,  
“ to examine and report all those penal statutes,  
“ which reached to the taking away the life of any  
“ roman-catholic, priest or layman, for his religion :  
“ there not appearing one lord in the house, who  
“ seemed to be unwilling that those laws should  
“ be repealed. And after that committee was ap-  
“ pointed, the roman-catholic lords and their friends

\* What has been mentioned respecting the loyalty of the catholics, in a preceding page, shews this insinuation to be altogether unfounded.

† We have seen how little it was noticed by the noble historian.

“ for some days diligently attended it, and made  
“ their observations upon several acts of parlia-  
“ ment, in which they desired ease. But on a  
“ sudden this committee was discontinued, and  
“ never after revived ; the roman-catholics never  
“ afterwards being solicitous for it.

“ The argument was now to be debated amongst  
“ themselves, that, they might agree what would  
“ please them : and then there quickly appeared  
“ that discord and animosity between them, that  
“ never was nor ever will be extinguished ; and of  
“ which the state might make much other use than  
“ it hath done. The lords and men of estates were  
“ not satisfied in that they observed the good-nature  
“ of the house did not appear to extend further,  
“ than the abolishing those laws which concerned  
“ the lives of the priests, which did not much affect  
“ them : for besides that, those spectacles were no  
“ longer grateful to the people : they were con-  
“ fident that they should not be without men to dis-  
“ charge those functions ; and the number of such  
“ was more grievous to them than the scarcity.  
“ That, which they desired, was the removal of  
“ those laws, which being let loose would deprive  
“ them of so much of their estates, that the re-  
“ mainder would not preserve them from poverty.  
“ This indulgence would indeed be grateful to  
“ them ; for the other they cared not. Nor were  
“ the ecclesiastics at all pleased with what was  
“ proposed for their advantage, but looked upon  
“ themselves as deprived of the honour of martyr-  
“ dom by this remission, that they might undergo

“ restraints, which will be more grievous than death  
“ itself: and they were very apprehensive, that  
“ there would remain some order of them excluded,  
“ as there was even a most universal prejudice against  
“ the jesuits; or that there would be some limi-  
“ tations of their numbers, which they well knew  
“ the catholics in general would be very glad of,  
“ though they could not appear to desire it.

“ There was a committee chosen amongst them of  
“ the superiors of all orders, and of the secular clergy,  
“ that sat at Arundel-house, and consulted together  
“ with some of the principal lords and others of  
“ the prime quality of that religion, what they  
“ should say or do in such and such cases which  
“ probably might fall out. They all concluded, at  
“ least apprehended, that they should never be dis-  
“ pensed with in respect of the oaths, which were  
“ enjoined to be taken by all men, without their  
“ submitting to take some other oath, that might  
“ be an equal security of and for their fidelity to  
“ the king, and the preservation of the peace of  
“ the kingdom. And there had been lately scat-  
“ tered abroad some printed papers, written by  
“ some regular and secular clergy, with sober pro-  
“ positions to that purpose, and even the form of  
“ an oath and subscription to be taken or made by  
“ all catholics; in which there was an absolute re-  
“ nunciation or declaration against the temporal  
“ authority of the pope, which, in all common  
“ discourses amongst the protestants, all roman-  
“ catholics made no scruple to renounce and dis-  
“ claim: but it coming now to the subject-matter



“ of the debate in this committee, the jesuits declared with much warmth, ‘ that they ought not, nor could they with a good conscience as catholics, deprive the pope of his temporal authority, which he hath in all kingdoms granted to him by God himself,’ with very much to that purpose ; with which most of the temporal lords, and very many of the seculars and regulars, were so much scandalized, that the committee being broken up for that time, they never attended it again ; the wiser and the more conscientious men discerning that there was a spirit in the rest that was raised and governed by a passion, of which they could not comprehend the ground. And the truth is, the jesuits, and they who adhered to them, had entertained great hopes from the king’s too much grace to them, and from the great liberty they enjoyed ; and promised themselves and their friends another kind of indulgence, than they saw was intended to them by the house of peers. And this was the reason that the committee was no more looked after, nor any public address was any farther prosecuted.

“ And from this time there every day appeared so much insolence and indiscretion amongst the imprudent catholics, that they brought so many scandals upon his majesty, and kindled so much jealousy in the parliament, that there grew a general aversion towards them. And the king’s party remembered, with what wariness and disregard the roman-catholics had lived towards them in the whole time of the usurpation ; and how little

“ sorrow they made shew of upon the horrid murder  
“ of the king, (which was then exceedingly taken  
“ notice of): and they, who had been abroad with  
“ the king, remembered, that his majesty had re-  
“ ceived less regard and respect from his catholic  
“ subjects, wherever he found them abroad, than  
“ from any foreign catholics; who always received  
“ him with all imaginable duty, whilst his own  
“ looked as if they had no dependance upon him.  
“ And so we return to the parliament after its  
“ adjournment.”

With the passage which we have just transcribed from lord Clarendon's *Memoirs*, the account given by bishop Burnet of the consultations of the catholics at this time \* seems to coincide. From the latter it appears that two propositions were made to the catholics,—that they should take James's oath of allegiance, and that the regular clergy should no longer have a place in the English mission.—On these propositions, the catholics split, and their meetings were discontinued. It also appears that they were jealous of the earl of Bristol, and apprehensive of the violence of his temper.—A minute in the hand-writing of the unfortunate viscount Stafford,—(for the perusal of which, and for many other favours the writer is indebted to Mr. Edward Jerningham—a descendant from his lordship),—notices the meetings at lord Bristol's, and their breaking up without coming to any settled plan of conduct. In the controversial war among the

\* History of his own Times, book ii. ad ann. 1663.

catholics of those times, the causes of the difference alluded to by bishop Burnet are frequently mentioned by each party, with great asperity; those, who disapproved of the proposals, branding the approvers of them with a want of orthodoxy and a due regard for religion and its best ministers; while those, who approved of the proposals, imputed to the former weakness of mind and bigoted attachment to the holy see and its stipendiaries. Burnet intimates that, from the first, it was the wish of lord Clarendon to divide the catholics among themselves. Some parts of his conduct render this accusation not improbable,—yet an advocate for his lordship might speciously contend from some of his writings\*, that his lordship wished for no more, than to induce the catholics of his time to make that unequivocal and unqualified profession of allegiance which the catholics of the present, have expressed in the oaths taken by the body in the late reign.

### LXV. 3.

#### *The Fire of London.*

THIS melancholy event took place in the year 1666: the fire destroyed St. Paul's cathedral and

\* Particularly his "Answer to Cressy," and his posthumous publication, "Church and State," a verbose and illiberal work, but containing some interesting facts and remarks.—Surely his Lordship's charge against the catholics, in the passage cited in the text, that they disregarded his majesty in his exile, and were indifferent to his restoration, are utterly unfounded.



89 other churches; many public buildings; 13,200 dwelling-houses, and laid waste 400 streets from the Tower to the Temple church, and from the north-east gate of the city to Holborn-bridge or Fleet-ditch: having thus ravaged the city for three entire days and nights it stopped almost on a sudden.

“The causes of this calamity,” says Hume, “were evident. The narrow streets of London, the houses built entirely of wood, the dry season, and a violent east wind which blew; these were so many concurring circumstances, which rendered it easy to assign the reason of the destruction that ensued. But the people were not satisfied with this obvious account. Prompted by blind rage, some ascribed the guilt to the republicans, others to the catholics; though it is not easy to conceive how the burning of London could serve the purposes of either party. As the papists were the chief objects of public detestation, the rumour, which threw the guilt on them, was more favourably received by the people. No proof, however, or even presumption, after the strictest inquiry by a committee of parliament, ever appeared to authorize such a calumny; yet in order to give countenance to the popular prejudice, the inscription, engraved by authority on the Monument, ascribed this calamity to that hated sect. This clause was erased by order of king James, when he came to the throne; but after the revolution it was replaced. So credulous, as well as obstinate, are the people, in believing every thing, which flatters their prevailing passion!”

## LXV. 4.

*Lord Castlemain's Apology for the Catholics.*

IT appears that the animosity of the public against the catholics, in consequence of the calumnious charge of their having set fire to the city of London, rose, almost suddenly, to a prodigious height of fury; so that the catholics were justly terrified lest extreme measures against them should be immediately adopted and carried into execution. While they were in this state of agitation, lord Castlemain published the following manly and eloquent apology \*, in their behalf.

“ To all the Royalists who suffered for his  
 “ Majestie, and the rest of the People of  
 “ England.

“ My lords and gentlemen, the arms which  
 “ christians can use against lawful powers in their  
 “ severity are only prayers and tears.

“ Now since nothing can equal the infinity of

\* It seems to have been published in 1666, almost immediately after the fire.

A manuscript note, in a copy of it seen by the writer, mentions that, the “ printer was diligently inquired after by the house of commons, but not found; the printer fled, but his presses were broken by the command of the house.

“ It was written, not by the earl of Castlemain, but by “ one Pugh, a catholic and physician.”

Doctor Lloyd, afterwards bishop of St. Asaph, republished it, and an answer to it with this title, “ The late Apology on behalf of the Papists reprinted and answered. London, 4to. “ 1667.” The doctor divides it into paragraphs, and, at the end of each paragraph, inserts his answer to it.

“ those we have shed, but the cause, viz. to see our  
“ dearest friends forsake us, we hope it will not  
“ offend you, if, (after we have a little wiped our  
“ eyes), we sigh out our complaints to you.

“ We had spoke much sooner, had we not been  
“ silent through consternation to see you inflamed  
“ whom with reverence we honour, and also to shew  
“ our submissive patience, which used no slights nor  
“ tricks to divert the debates of parliament : for no-  
“ body can imagine where so many of the great  
“ nobility and gentry are concerned, but something  
“ might have been done; when as in all ages we  
“ see things of public advantage by the managers  
“ dexterity nipt in the bud, even in the very houses  
“ themselves. Far be it from catholics to perplex  
“ parliaments, who \* have been the founders of their  
“ privileges, and all ancient laws : nay, Magna  
“ Charta itself had its rise from us, which we do  
“ the less boast of, since it was not at first obtained  
“ in so submiss and humble a manner.

“ We sung our Nunc Dimittis when we saw  
“ our master in his throne, and you in your de-  
“ served authority and rule.

“ Nor could anything have ever grieved us more,  
“ but to have our loyalty called into question by  
“ you even at the instigation of our greatest adver-  
“ saries.

“ If we must suffer, let it be by you alone; for  
“ that's a double death to men of honour to have  
“ their enemies not only accusers, but for their  
“ insulting judges also.

\* *i. e.* Which catholics.



“ These are they that by beginning with us,  
“ murdered their prince, and wounded you : and  
“ shall the same method continue by your appro-  
“ bation ?

“ We are sure you mean well ; though their  
“ design be wicked : but never let it be recorded  
“ in story, that you forgot your often vows to us,  
“ in joining with them that have been the cause of  
“ so great calamity to the nation.

“ Of all calumnies against catholics, we have  
“ admired at none so much as that their principles  
“ are said to be inconsistent with government, and  
“ they themselves thought ever prone to rebellion.

“ My lords and gentlemen, had this been a  
“ new sect not known before, something perchance  
“ might have been doubted ; but to lay this at their  
“ doors that have governed the civilized world, is  
“ the miracle of miracles to us.

“ Did Richard the first, or Edward longshanks,  
“ suspect his catholics that served in Palestine, and  
“ make our country’s fame big in the chronicle of  
“ all ages ? or did they mistrust (in their dangerous  
“ absence) their subjects at home, because they  
“ were of the same profession ? Could Edward III.  
“ imagine those to be traitorous in their doctrine,  
“ that had that care and duty for their prince,  
“ as to make them (by statute) guilty of death in  
“ the highest degree, that had the least thought of  
“ ill against the king ? Be pleased that Henry v.  
“ be remembered also, who did those wonders,  
“ of which the whole world does yet resound ;  
“ and certainly all history will agree in this, that

“ ’twas Oldcastle he feared, and not those that  
“ believed the bishop of Rome to be head of the  
“ church.

“ We will no longer trouble you with putting  
“ you in mind of any more of our mighty kings who  
“ have been feared abroad, and as safe at home as  
“ any since the reformation of religion. We shall  
“ only add this, that if popery be the enslaving of  
“ princes, France still believes itself as absolute as  
“ Denmark or Sweden.

“ Nor will ever the house of Austria abjure the  
“ pope, to secure themselves of the fidelity of their  
“ subjects.

“ We shall always acknowledge to the whole  
“ world, that there have been as many brave Eng-  
“ lish in this last century, as in any other place  
“ whatsoever: yet, since the exclusion of the ca-  
“ tholic faith, there hath been that committed by  
“ those who would fain be called protestants, that  
“ the wickedest papist at no time dreamt of.

“ ’Twas never heard of before, that an abso-  
“ lute queen was condemned by subjects, and those  
“ styled her peers; or that a king was publicly  
“ tried and executed by his own people and ser-  
“ vants.

“ My lords and gentlemen, we know who were  
“ the authors of this last abomination, and how  
“ generously you strove against the raging torrent;  
“ nor have we any other ends to remember you of  
“ it, but to shew that all religions may have a cor-  
“ rupted spawn; and that God hath been pleased  
“ to permit such a rebellion, which our progenitors

“ never saw, to convince you perchance (whom for  
“ ever may he prosper) that popery is not the only  
“ source of treason.

“ Little did we think, (when your prayers and  
“ ours were offered up to beg a blessing on the  
“ king’s affairs) ever to see that day, in which  
“ Carlos Gifford, Whitgrave, and the Pendrels,  
“ should be punished by your desires for that re-  
“ ligion which obliged them to save their forlorn  
“ prince; and a stigmatized man (for his offences  
“ against king and church) a chief promoter of it.  
“ Nay less, did we imagine, that by your votes  
“ Huddleston might be hanged, who again secured  
“ our sovereign; and others free in their fast pos-  
“ sessions that sate as judges, and sealed the exe-  
“ cution of that great prince of happy memory.

“ We confess we are unfortunate, and you just  
“ judges, whom with our lives we will ever maintain  
“ to be so; nor are we ignorant the necessity of  
“ affairs made both the king and you do things,  
“ which formerly you could not so much as fancy.  
“ Yet give us leave to say, we are still loyal; nay,  
“ to desire you to believe so, and to remember how  
“ synonymous (under the late rebellion) was the  
“ word papist and cavalier; for there was never no  
“ papist that was not deemed a cavalier, nor no  
“ cavalier that was not called a papist, or at least  
“ judged to be popishly affected.

“ We know though we differ something in re-  
“ ligion (the truth of which let the last day judge)  
“ yet none can agree with your inclinations, or are  
“ fitter for your converse than we; for as we have



“ as much birth among us as England can boast of,  
“ so our breeding leans your way both in court and  
“ camp : and therefore, had not our late sufferings  
“ united us in that firm tie, yet our like humours  
“ must needs have joined our hearts.

“ If we err, pity our condition, and remember  
“ what your great ancestors were, and make some  
“ difference between us (that have twice converted  
“ England from paganism) and those other sects  
“ that can challenge nothing but intrusion for their  
“ imposed authority.

“ But 'tis generally said, that papists cannot live  
“ without persecuting all other religions within  
“ their reach.

“ We confess, where the name of protestant is  
“ unknown, the catholic magistrates (believing it  
“ erroneous) do use all care to keep it out : yet in  
“ those countries where liberty is given, they have  
“ far more privileges than we, under any reformed  
“ government whatsoever. To be short, we will  
“ only instance France for all, where they have  
“ public churches, where they can make what pro-  
“ selytes they please, and where it's not against law  
“ to be in any charge or employment. Now Hol-  
“ land (which permits every thing) gives us, 'tis  
“ true, our lives and estates, but takes away all trust  
“ in rule, and leaves us also in danger of the scout,  
“ whensoever he pleaseth to disturb our meetings.

“ Because we have named France, the massacre  
“ will perchance be urged against us : but the world  
“ must know, that was a cabinet plot, condemned

“ as wicked by catholic writers there, and of other  
“ countries also : besides, it cannot be thought they  
“ were murdered for being protestants, since ’twas  
“ their powerful rebellion (let their faith have been  
“ what it would) that drew them into that ill ma-  
“ chinated destruction.

“ May it not be as well said in the next catholic  
“ king’s reign, that the duke of Guise and cardinal  
“ heads of the league, were killed for their reli-  
“ gion also? Now nobody is ignorant, but ’twas  
“ their factious authority which made that jealous  
“ prince design their deaths, though by unwar-  
“ rantable means.

“ If it were for doctrine that Hugonots suffered  
“ in France, this haughty monarch would soon  
“ destroy them now, having neither force nor town  
“ to resist his might and puissance. They yet live  
“ free enough, being even members of parliament,  
“ and may convert the king’s brother too ; if he  
“ think fit to be so. Thus you see how well pro-  
“ testants may live in a popish country, under a  
“ popish king : nor was Charlemain more catholic  
“ than this; for though he contends something with  
“ the pope, ’tis not of faith, but about Gallican  
“ privileges, which perchance he may very lawfully  
“ do.

“ Judge then worthy patriots, who are the best  
“ used, and consider our hardship here in England,  
“ where it is not only a fine for hearing mass, but  
“ death to the master for having a priest in his house ;  
“ and so far we are from preferment, that by law

“ we cannot come within ten miles of London ; all  
“ which we know your great mercy will never permit  
“ you to exact.

“ It hath often been urged, that our misde-  
“ meanors in queen Elizabeth’s days, and king  
“ James’s time, were the cause of our punishment.

“ We earnestly wish that the party had more  
“ patience under that princess. But pray consider  
“ (though we excuse not their faults) whether it  
“ was not a question harder than that of York and  
“ Lancaster, the cause of a war of such length, and  
“ death of so many princes,—who had most right,  
“ queen Elizabeth or Mary Stuart ; for since the  
“ whole kingdom had crowned and sworn allegi-  
“ ance to queen Mary, they had owned her legi-  
“ timate daughter to Henry VIII ; and therefore  
“ it was thought necessarily to follow by many,  
“ that if Mary was the true child, Elizabeth was  
“ the natural, which must then needs give way to  
“ the thrice noble queen of Scots.

“ ’Twas for the royal house of Scotland that  
“ they suffered in those days ; and ’tis for the same  
“ illustrious family we are ready to hazard all on  
“ any occasion.

“ Nor can the consequence of the former pro-  
“ cedure be but ill, if a Henry VIII. (whom sir  
“ W. Raleigh, and my lord Cherbury, two famous  
“ protestants, have so homely characterized) should  
“ after twenty years cohabitation turn away his  
“ wife, and this out of scruple of conscience (as he  
“ said) when as history declares, that he never spared  
“ woman in his lust, nor man in his fury.



“ Now for the fifth of November; with hands  
“ lifted up to heaven we abominate and detest.

“ And from the bottom of our hearts say, that  
“ may they fall into irrecoverable perdition, who  
“ propagate that faith by the blood of kings, which  
“ is to be planted in truth and meekness only.

“ But let it not displease you, men, brethren  
“ and fathers, if we ask whether Ulysses \* be no  
“ better known? or who hath forgot the plots  
“ Cromwell framed in his closet; not only to de-  
“ stroy many faithful cavaliers, but also to put a  
“ lustre upon his intelligence, as if nothing could  
“ be done without his knowledge. Even so did  
“ the then great minister, who drew some few des-  
“ peradoes into this conjuration, and then discovered  
“ it by a miracle.

“ This will easily appear, viz. how little the ca-  
“ tholic party understood the design, seeing there  
“ was not a score of guilty found, though all ima-  
“ ginable industry was used by the commons, lords,  
“ and privy council too.

“ But suppose, my lords and gentlemen, (which  
“ never can be granted), that all the papists of that  
“ age were consenting, will you be so severe then to  
“ still punish the children for the father's faults?

“ Nay such children that so unanimously joined  
“ with you in that glorious quarrel, when you and  
“ we underwent such sufferings, that needs we  
“ must have all sunk, had not our mutual love  
“ assisted.

\* Cecil, the earl of Salisbury is here alluded to.

“ What have we done that we should now de-  
“ serve your anger ? Has the indiscretion of some  
“ few incensed you ? ’Tis true, that is the thing  
“ objected.

“ Do not you know an enemy may easily mistake  
“ a mass-bell for that which calls to dinner ?

“ Or a sequestrator be glad to be affronted being  
“ constable ? when ’twas the hatred to his person,  
“ and not present office, which perchance egged a  
“ rash man to folly.

“ We dare with submission say, let a public in-  
“ vitation be put up against any party whatsoever ;  
“ nay, against the reverend bishops themselves, and  
“ some malicious informer or other will allege that,  
“ which may be far better to conceal.

“ Yet all mankind by a manifesto on the house  
“ door are encouraged to accuse us ; nor are they  
“ upon oath, though your enemies and ours take  
“ all for granted and true.

“ It cannot be imagined where there are so many  
“ men of heat and youth, (overjoyed with the  
“ happy restoration of their prince), and remember-  
“ ing the insolencies of their grandees, that they  
“ should all at all times prudently carry themselves ;  
“ for this would be to be more than men. And  
“ truly we esteem it as a particular blessing, that  
“ God hath not suffered many through vanity or  
“ frailty to fall into greater faults, than are yet as  
“ we understand laid to our charge.

“ Can we choose but be dismayed (when all  
“ things fail) that extravagant crimes are fathered  
“ upon us.

“ It is we must be the authors (some say) of firing

“ the city, even we that have lost so vastly by it ;  
“ yet in this, our ingenuity is great, since we think  
“ it no plot, though our enemy an Hugonot pro-  
“ testant acknowledged the fact, and was justly  
“ executed for his vain confession. Again, if a  
“ merchant of the church of England buy knives  
“ for the business of his trade, this also is a papist  
“ contrivance to destroy the well affected.

“ We must a little complain, finding it by expe-  
“ rience, that by reason you discountenance us,  
“ the people rage : and again, because they rage,  
“ we are the more forsaken by you.

“ Assured we are, that our conversation is affa-  
“ ble, and our houses so many hospitable receipts  
“ to our neighbours. Our acquaintance therefore  
“ we fear at no time ; but it is the stranger we  
“ dread : that (taking all on hearsay) zealously  
“ wounds, and then examines the business when it  
“ is too late, or is perchance confirmed by another,  
“ that knows no more of us than he himself.

“ 'Tis to you we must make our applications ; be-  
“ seeching you (as subjects tender of our king) to  
“ intercede for us in the execution, and weigh the  
“ dilemma, which doubtless he is in, either to deny  
“ so good a parliament their requests, or else run  
“ counter to his royal inclinations, when he punishes  
“ the weak and harmless.

“ Why may we not, noble countrymen, hope for  
“ favour from you, as well as French protestants  
“ find from theirs ? A greater duty than ours none  
“ could express, we are sure ; or why should the  
“ united provinces, and other magistrates (that  
“ are harsh both in mind and manners) refrain



“ from violence against our religion, and your tender  
“ breasts seem not to harbour the least compassion  
“ or pity ?

“ These barbarous people sequester none for their  
“ faith, but for transgression against the state. Nor  
“ is the whole party involved in the crime of a few,  
“ but every man suffers for his own and proper  
“ fault. Do you then the like, and he that offends,  
“ let him die without mercy.

“ And think always, I beseech you, of Cromwell’s  
“ injustice : who for the actions of some against his  
“ pretended laws, drew thousands into decimation,  
“ even ignorant of the thing, after they had vastly  
“ paid for their security and quiet.

“ We have no other study, but the glory of our  
“ sovereign, and just liberty of the subjects.

“ Nor was it a mean argument of our duty, when  
“ every catholic lord gave his voice for the restora-  
“ tion of bishops ; by which we could pretend no  
“ other advantage, but that twenty-six votes (sub-  
“ sisting wholly by the crown) were added to the  
“ defence of kingship, and consequently a check to  
“ all anarchy and confusion.

“ ’Tis morally impossible but that we who ap-  
“ prove of monarchy in the church, must ever be  
“ fond of it in the state also.

“ Yet this is a misfortune, we now plainly feel,  
“ that the longer the late transgressors live, the  
“ more forgotten are their crimes, whiles distance  
“ in time calls the faults of our fathers to remem-  
“ brance, and buries our own allegiance in eternal  
“ oblivion and forgetfulness.

“ My lords and gentlemen, consider we besecch  
“ you the sad condition of the Irish soldiers now in  
“ England ; the worst of which nation could be  
“ but intentionally so wicked, as the acted villany  
“ of many English, whom your admired clemency  
“ pardoned. Remember how they left the Spanish  
“ service when they heard their king was in France ;  
“ and how they forsook the employment of that  
“ unnatural prince, after he had committed the  
“ never-to-be-forgotten act of banishing his dis-  
“ tressed kinsman out of his dominions. These  
“ poor men left all again to bring their monarch to  
“ his home : and shall they then be forgotten by  
“ you ? or shall my lord Douglas and his brave  
“ Scots be left to their shifts, who scorned to re-  
“ ceive wages of those who have declared war against  
“ England ?

“ How commonly is it said that the oath of re-  
“ nouncing their religion is intended for these, which  
“ will needs bring this loss to the king and you, that  
“ either you will force all of our faith to lay down  
“ their arms (though by experience of great integ-  
“ rity and worth), or else, if some few you retain,  
“ they are such whom necessity hath made to swear  
“ against conscience, and who therefore will cer-  
“ tainly betray you, when a greater advantage shall  
“ be offered. By this test then you can have none,  
“ but whom (with caution) you ought to shun.  
“ And thus must you drive away those who truly  
“ would serve you ; for had they the least thought  
“ of being false, they would gladly take the advan-  
“ tage of gain and pay to deceive you.

“ We know your wisdom and generosity, and  
“ therefore cannot imagine such a thing ; nor do  
“ we doubt when you shew favour unto these, but  
“ you will use mercy to us, who are both your fel-  
“ low-subjects, and your own flesh and blood also ;  
“ if you forsake us, we must say the world decays,  
“ and its final transmutation must needs follow  
“ quickly.

“ Little do you think the insolencies we shall  
“ suffer by committee men, &c. whom chance and  
“ lot hath put into petty power. Nor will it choose  
“ but grieve you to see them abused (whom formerly  
“ you loved) even by the common enemies of us  
“ both.

“ When they punish, how will they triumph  
“ and say,—take this (poor romanists) for your love  
“ to kingship ;—and again this, for your long doat-  
“ ing on the royal party, all which you shall receive  
“ from us commissioned by your dearest friends,  
“ and under this cloak we will gladly vent our pri-  
“ vate spleen and malice.

“ We know, my lords and gentlemen, that from  
“ your hearts you do deplore our condition, yet per-  
“ mit us to tell you, your bravery must extend thus  
“ far, as not to sit still, with pity only, but each is  
“ to labour for the distressed as far as in reality his  
“ ability will reach : some must beseech our gracious  
“ sovereign for us, others again must undeceive  
“ the good, though deluded multitude : therefore  
“ all are to remember who are the prime raisers of  
“ the storm ; and how through our sides they would  
“ wound both the king and you : for though their



“ hatred to us ourselves is great, yet the enmity out  
 “ of all measure increases, because we have been  
 “ yours, and so shall continue even in the fiery day  
 “ of trial.

“ Protect us we beseech you then, upon all your  
 “ former promises, or if that be not sufficient, for  
 “ the sakes of those that lost their estates with you ;  
 “ many of which are now fallen asleep : but if this  
 “ be still too weak, we must conjure you by the  
 “ sight of this bloody catalogue, which contains the  
 “ names of your murdered friends and relations,  
 “ who in the heat of the battle perchance saved many  
 “ of your lives, even with the joyful loss of their  
 “ own.”

## LXV. 5.

*Vol. II. c. 32. s. 3. p. 31.*

*Oates's Plot.*

## LXV. 6.

*Vol. II. c. 32. s. 4. p. 44.*

*The Act disabling Peers from sitting and voting in the  
 House of Lords.*

## LXV. 7.

*Vol. I. c. 29. s. 10. p. 376.*

*Summary Review by a Protestant Writer of the Religious  
 Persecutions in England from the Reformation till the  
 end of the reign of Charles the second ;—general Reflec-  
 tions on them.*

## CHAP. LXVI.

## JAMES THE SECOND.

1685.

NOTWITHSTANDING his imprudence and weakness,—notwithstanding even his offences against the constitution, a generous mind will always read the history of James II.\* with compassion; and this compassion will rise to a higher feeling, when he considers, that the misfortunes of the monarch were owing, in a great measure, to his sincere and undissembling mind; and to the treacherous counsels of his principal minister,—the earl of Sunderland,—who even formally embraced, and most openly professed the roman-catholic religion, in order to deceive his royal master the more effectually. We shall begin our account of his reign, I. With some miscellaneous observations on his character: II. Then mention some of the principal events, which led to the revolution in 1688: III. His visit to the monastery of La Trappe: IV. And his death †.

\* The fragment of the history of this reign, by the late Mr. Fox, though, open to objection, is a noble production, and does honour to his memory.

† In the Historical Memoirs, (vol. ii. p. 285.) we have mentioned, that the pope, at the request of James, appointed four vicars apostolic for the government of the English catholics. Immediately after their appointment, they addressed

## LXVI. 1.

*Miscellaneous Observations on the Character of James.*

THE sincerity, which we have ascribed to James, has generally been admitted. His industry, perseverance, and skill, in the official details of business, have been universally allowed. Never, since his reign, has the nation been without obligations to him : “ It does not appear,” says Mr. Clarke \*, “ that the difficulties, which James had to struggle with, have always been sufficiently considered by historians ; nor does it appear, that the essential and lasting service, which James rendered to his country, in compacting, and as it were, building

a pastoral letter to the lay catholics of England. It is intituled, “ a Pastoral Letter from the four Catholic Bishops, to the Lay Catholics of England,” 4to. Holyrood-house, by P. B. engraver : it is comprised in eight pages. They begin it by observing to them, that “ Episcopal authority, to which they and their catholic ancestors had long been deprived, had been lately, by a merciful providence of God and the piety of his majesty, restored to them.”

They exhort the faithful “ to charity, to unity of spirit, to love their protestant neighbours, to inoffensiveness, to assiduousness at the divine service, in imitation of his majesty, to passive obedience.—After observing that his majesty had favoured many among them with a share in the government, they recommend loyalty and an active discharge of duty :—and conclude with a blessing. Signed, John, bishop of Adrumete, v. A. Bonaventure, bishop of Madoura, v. A. Philip, bishop of Aureliopolis, v. A. James, bishop of Callipoli, v.”

\* In the preface to his edition of the “ Life of James II. collected out of Memoirs written with his own hand,” p. xxxi.



“ up its naval power, have been sufficiently weighed.  
“ It is not generally known, that the naval regula-  
“ tions, now in force, are taken, almost verbatim,  
“ from those, which he established ; or that, when  
“ lately the board of naval revision wished to add to,  
“ and improve the naval regulations, they sent for  
“ the papers of Pepys, the marine secretary of James,  
“ as being the best materials, whence they could  
“ obtain the object they had in view.”

The sincerity of James, has, it is true, been questioned in those reiterated promises, which he made of preserving the liberties of the nation ; and which, in every part of his short reign, he repeatedly violated. This objection is, however, satisfactorily answered, by observing, that these invasions of the national rights were perfectly reconcileable with the monarch's own notions, however erroneous, of the constitution ; so that, although they were certainly gross infractions of it, still they were not such in his opinion.

His disturbing the legal settlement of the religion of his country, has been a subject of still more severe reprehension. Had he maturely examined what was the greatest degree of toleration, which the actual temper of the times, and the welfare of his country, would allow him to procure for his catholic subjects ; had he prepared the public mind to receive this favourably ; and had he established it by a legislative act,—then, it would have been a salutary measure ; and have placed him among the benefactors of humanity. But,—(even if he contemplated nothing beyond complete toleration),—

he yet aimed at more than the times would bear; and he attempted to accomplish his aim, by means, which were wholly repugnant to the constitution. His aim may, perhaps, admit of some excuse; the means, to which he resorted, admit of none.

Still, one circumstance should be related, which seems to shew, that he possessed the true spirit of toleration. On the revocation of the edict of Nantes, a large proportion of the Hugonots took refuge in this country. The hospitality, with which they were received, was most exemplary; and James himself animated the spirit of the nation, both by his exhortations and his example.—A silent reproof of his great ally, Lewis XIV, and his wretched advisers\*.

## LXVI. 2.

### *Principal Circumstances which led to the Revolution.*

Few circumstances, however, had a greater effect than this measure of Lewis, in increasing the alarm which already subsisted in a high degree of the designs which James was then more than suspected to have conceived for introducing the

\* In the Life of James II, written by himself, (Macpherson's State Papers, vol. i. p. 51), we find this passage: "The duke of York, at Tunbridge, assured Dr. Owen, that he had no bitterness against the non-conformists. He was against all persecution, merely for conscience sake, looking on it as an unchristian thing and absolutely against his conscience."—The same writer observes, (ib. 576.) from the Nairne Papers, "that notwithstanding the enthusiasm of the prince and his submissive obedience in spiritual, it appears that he never intended to acknowledge the pope's supremacy in temporal concerns."

free exercise of the roman-catholic religion into his kingdoms. If the nation had reasoned justly, it would have occurred to them, that the oppressions, which had driven the French sufferers from their native country, were considerably less than those, to which the English catholics had been subject during more than a century, and which had recently been inflicted on them with extreme rigour. This reflection should have suggested the justice and propriety of an immediate repeal of the most obnoxious of those laws: but the public feeling took a different direction, and dwelt altogether on the alleged persecuting spirit of the religion, which Lewis professed, and a dread of its horrors, if the schemes imputed to James should be realized, and catholics obtain the ascendancy. This naturally increased the jealousies of the monarch's views, and the apprehensions entertained of their consequences.

The first step taken by James to carry them into effect, was an attempt to intimidate the parliament. In his speech from the throne to the two houses at the opening of the sessions, he openly avowed his claim to the dispensing power. The house of commons voted an address to him against it: in his answer, he insisted on his right; after it was read by the speaker a silence of some moments ensued:—at length Coke, the member for Derby, rose in his place and boldly said, “I hope we are all Englishmen, and not to be frightened by a few hard words.” He was reprovved and ordered to the Tower, but the sullenness of the house continued. The lords, after voting thanks generally to the king for



his speech, appointed a day for taking it into consideration, with an avowed intention of discussing the obnoxious passage.

Thus foiled in his hopes of the subserviency of parliament, the next effort of James was made through the medium of the courts of justice. He gave to sir Edward Hales a commission of colonel : sir Edward accepted it, and entered on the duties of the rank, without qualifying himself for it, according to the provisions of the test act : with these James dispensed : it was contrived, that the coachman of sir Edward should prosecute him for the penalty of 500 *l.* which the test act gave to the informer. Sir Edward pleaded the dispensation ; and thus, by a feigned action, the general question was brought to a direct issue. The decision of the judges was unanimous in its favour : but James had previously displaced four of them, and substituted in their stead, four on whose pliancy he could rely.

Encouraged by this success, and either unaware that public opinion was against him, or ignorant of its importance, James proceeded to bolder measures ; he brought five catholic lords, Powis, Arundell, Bellasyse and Dover and father Petre a jesuit, into the privy council. He conferred the office of privy seal on lord Arundell, and putting his treasury into commission, placed lord Bellasyse at its head : he also advanced some catholics in the army and navy.

He then sent the earl of Castlemain ambassador extraordinary to Rome : the pope received him very coolly, but sent a nuncio to England : the king gave

the nuncio a public and solemn reception at Windsor, Four catholic bishops were publicly consecrated by the nuncio; their pastoral letters were published by the king's allowance, and several of the regular clergy were permitted to appear publicly in the habits of their order.

James then ventured on the step which made an irreparable breach between him and the established church. Having required the bishop of London to suspend Dr. Sharpe from his clerical functions, for a sermon, in which he had mentioned conversions to the roman-catholic religion in terms of contumely, and the bishop having refused to comply, James issued an ecclesiastical commission, by which seven commissioners were appointed, with unlimited authority over the church of England, and with the same inquisitorial and arbitrary powers, as had been vested in the court of high commission established by queen Elizabeth and abolished in the reign of Charles I. The commissioners instantly proceeded against the bishop and the doctor, and, by a majority of votes, suspended both from their functions.

His majesty then attempted to impose a catholic president on Magdalen college in Oxford, and to procure seven bishops, who had presented a petition to him against some of his measures, to be condemned for the libel supposed to be expressed by the petition. This completed the alienation of the public mind.

Finally, he issued a proclamation by which he suspended all the penal laws in ecclesiastical affairs,

and granted a general liberty of conscience to all his subjects \*. Hume,—but for this he cites no autho-

\* It is idle to contend, that these acts were justifiable in consequence of a dispensing power inherent in the monarch, as part of his legal and constitutional prerogative.

No respectable advocates for the existence of this power ever contended that the exercise of it was lawful except in extraordinary occasions, when the public welfare rendering such an exercise of it necessary, it was justified by this very necessity, and limited to the occasion: they also admitted, that it could only be exercised in favour of particular persons, in particular instances, and for a particular time. Such a general exercise of it, as amounted to a total repeal of an existing law, they considered inadmissible: it evidently was a violation of the first principle of our constitution, by which powers of legislation cannot be exercised by the king, without the two houses of parliament. Most of its advocates allowed that the king could not dispense with the common law; and most of them also contended that he could dispense with those statutory provisions only, which concerned his own profit and interest. Those who wish to have an accurate notion of this important question, may usefully peruse the case of Thomas against Sorrell, in Vaughan's Reports, 330; sir Edward Hales's case, the case of the Seven Bishops, in the State Trials:—and the treatises written on the subject by lord chief baron Atkins and Mr. Atwood.

In 1767, an important question on the dispensing power became a subject of parliamentary discussion. A scarcity of wheat in the preceding summer induced the late king, by the advice of the privy council, to issue a proclamation against the importation of corn till the advice of the ensuing parliament could be taken. The conduct of the ministers in advising this proclamation was severely arraigned in parliament. The necessity of the measure was allowed, and the minister justified its legality by the statute of the 15 Charles II, which permits a prohibition of the exportation of corn and grain, when they are under a certain specified price. But doubts being



rity,—asserts that the catholics, at this time, were scarcely the hundredth part of the people, and that the protestant non-conformists were little more than the twentieth. If this calculation be even tolerably

entertained on the construction of this act, it became necessary to justify the measure on the broad ground that, “ whenever the public is in imminent danger, and the concurrence of parliament cannot be obtained, the king has an inherent discretionary legal prerogative of suspending or dispensing with the law.” This doctrine, or something certainly which sounded very like it, was avowed by lord Chatham, and, which was thought more surprising, by lord Camden. It was opposed by lord Mansfield: he shewed with equal power of eloquence and argument, that, according to the true principles of the constitution, the king has no power, absolutely discretionary, of suspending or dispensing with the laws of the country; that, in the supposed case of imminent danger, he ought to exert such a power, and the constitution authorizes him to exert it; but that he then exerts the power at the peril of the ministers, who advise the measure; and that it is for parliament afterwards to determine whether the danger existed, and the public safety rendered the exercise, which was made of the prerogative, a measure of necessity: on their being satisfied of the necessity, they should indemnify both those by whom it was advised, and those by whom it was executed; but still, that, until the indemnity is obtained, all concerned in the proceeding are legally punishable.

It was universally admitted, that lord Mansfield, who had often shewed an unwillingness to combat with his noble adversaries singly, obtained on this occasion a complete triumph over their united powers. His lordship’s speech was printed separately, and is inserted in Almon’s Parliamentary Debates of the year 1767. The result was an act of indemnity: the preamble expressly recited “ that the embargo could not be justified in law.” This was one of the most important constitutional adjudications that have occurred in our history.

exact, it is evident, that, even though James had possessed every talent, which he wanted, his means for the accomplishment of his object would still have been very inadequate.

It should also be observed, that none disapproved of the arbitrary measures of the monarch, more than the catholics themselves. “All judicious persons of the catholic communion,” says Hume, “were disgusted with those measures ; and foresaw their consequences. Lord Arundell, lord Powis, and lord Bellasyse, remonstrated against them, and suggested more moderate councils.”—The Spanish ambassador, and even the pope himself, pointed out to James the indiscretion of his proceedings. When lord Tyrconnel disclosed his plans for catholicising Ireland, lord Bellasyse declared, “he was fool and madman enough to ruin ten kingdoms.”

Yet,—with all his misconduct, James had an English heart :—his exclamation, at the sea-fight of La Hogue, will ever be remembered.—Seeing the seamen in swarms scrambling up the lofty sides of the French ships from the boats, he cried,—“Ah ! none but my brave English could do so brave an action !”

Who therefore, that reflects on these, and on some other passages, in the monarch’s life, does not sympathize in his agonizing woe, when he was told, that Churchill, whom he had raised from a page to a high rank in the army, and on whom he had conferred a peerage, had fled,—taking with him to the

prince of Orange, the princess Anne, whom the monarch tenderly loved?—"Oh my God!" exclaimed the afflicted father, "what will become of me! even my own children have forsaken me!"—On one occasion, sir Charles Littleton observed before him, that "he was ashamed to say, his son "was with the prince of Orange."—James gently interrupted him with these words:—"Alas! sir Charles, why ashamed! are not my daughters "with him too?"

## LXVI. 3.

*The Visit of James to the Monastery of La Trappe.*

THE subsequent history of the exiled Stuarts, sir John Dalrymple has comprised in a few words. "Retiring from the view of the battle of La Hogue, "the monarch said,—Heaven fought against him! "All his attempts, and those of his family afterwards, to recover the throne of their ancestors, "were either disappointed by the insincerity of "French friendship, or were the mere efforts of "despair."

"The attempt," says Voltaire \*, "to make, or "to establish a state religion, is sometimes very "easy. By different methods, and without encountering any dangers, Constantine, Clovis, "Gustavus Vasa, and queen Elizabeth, established "a new religion, in their several kingdoms: but,

\* Siècle de Louis XIV. ch. 15.



“ for such changes two things are absolutely necessary, great political talents, and favourable circumstances : James II. had neither.”

The complete triumph of the British fleet at the sea-fight of La Hogue was a death wound to the hopes of James: “ Slowly and sadly,” says sir John Dalrymple\*, “ he returned to bury the remembrance of his former greatness in the monastery of La Trappe.”

The following account of his visit to that celebrated monastery, is given by a contemporary French writer of eminence †.

“ James had heard of La Trappe, in the days of his prosperity. After his misfortune, he resolved to visit a solitude, he had so long felt a curiosity to see.

“ As soon as M. de Rancé heard of his arrival, he advanced to meet him, at the door of the monastery. The king was on horseback. As soon as he alighted, the abbot prostrated himself before him. This is the custom with respect to all strangers. Nevertheless, it was in this instance, performed in a manner expressive of peculiar respect.

“ The king felt pain at seeing the abbot in this humiliating posture before him. He raised him up, and then entreated his benediction. This the abbot gave, accompanying it with a speech

\* Memoirs of Great Britain, vol. i. p. 509.

† Marsollier, Vie de Jean Baptiste Armand de Rancé, abbé de la Trappe.

“ of some length. He assured his majesty, he  
“ thought it a great honour to see a monarch, who  
“ was suffering for the sake of Christ; who had  
“ renounced three kingdoms, from conscientious  
“ motives. He added, that the prayers of the  
“ whole community had been constantly offered  
“ up in his behalf.—They had continually implored  
“ Heaven, to afford him renewed strength, that he  
“ might press on, in the power of God, till he should  
“ receive an eternal and immortal crown.

“ The king was then conducted to the chapel.  
“ They afterwards conversed together for an hour.  
“ James joined in the evening service, by which he  
“ appeared much edified and consoled.

“ The king’s supper was served up by the monks,  
“ and consisted of roots, eggs and vegetables. He  
“ seemed much pleased with all he saw. After  
“ supper, he went and looked at a collection of  
“ maxims of christian conduct, which were framed  
“ and hung up against the wall.—He perused them  
“ several times; and, expressing how much he ad-  
“ mired them, requested a copy.

“ Next day, the king attended the chapel. He  
“ communicated with the monks. This he did,  
“ with great devotion. He afterwards went to see  
“ the community, occupied at their manual labour,  
“ for an hour and a half. Their occupations  
“ chiefly consist of ploughing, turning, basket mak-  
“ ing, brewing, carpentry, washing, transcribing  
“ manuscripts, and book-binding.

“ The king was much struck with their silence  
“ and recollection. He, however, asked the abbot,

“ if he did not think they laboured too hard ? M. de  
“ Rancé replied, ‘ Sire, that, which would be hard  
“ to those, who seek pleasure, is easy to those, who  
“ practise penance.’—In the afternoon, the king  
“ walked for some time on a fine terrace, formed  
“ between the lakes, surrounding the monastery.  
“ The view from this spot is peculiarly striking.

“ His Britannic majesty then went to visit a  
“ hermit, who lived by himself in a small hut,  
“ which he had constructed in the woods surround-  
“ ing La Trappe. In this retreat, he spent his time  
“ in prayer and praise ; remote from all intercourse  
“ with any one, excepting the abbot de la Trappe.  
“ This gentleman was a person of rank : he had  
“ formerly been distinguished, as one of the bravest  
“ officers in king James’s army. On entering his  
“ cell, the monarch appeared much struck, and  
“ affected with the entire change in his demeanor  
“ and expression of countenance.

“ In a short time, he recovered himself.—After  
“ a great variety of questions, the king asked him,  
“ ‘ at what hour in the morning, he attended the  
“ service of the convent, in winter ?’ He answered,  
“ ‘ at about half past three.’

“ ‘ But,’ said lord Dumbarton, who was in the  
“ king’s suite, ‘ surely that is impossible. How  
“ can you traverse this intricate forest in the dark ?  
“ Especially at a season of the year, when, even  
“ in the day-time, the road must be undiscernible,  
“ from the frost and snow.’

“ ‘ My lord,’ replied the hermit, ‘ I should  
“ blush to esteem these trifles as any inconvenience,



“ in serving a heavenly monarch, when I have so  
“ often braved dangers, far more imminent, for the  
“ chance of serving an earthly prince.’

“ ‘ You are right,’ the king said. ‘ How wonderful, that so much should be sacrificed to  
“ temporal potentates ; whilst so little should be  
“ endured in serving Him, the only King, immortal  
“ and invisible, to whom alone true honour and  
“ power belong—that God, who has done so much  
“ for us !’

“ ‘ Surely, however,’ continued lord Dumbarton  
“ to the hermit, ‘ you must be thoroughly tired  
“ with passing all your time alone in this gloomy  
“ forest ?’

“ ‘ No,’ interposed the king, himself replying to  
“ the question ; ‘ he has, indeed, chosen a path  
“ widely different to that of the world. Death,  
“ which discovers all things, will show that he has  
“ chosen the right one.’

“ The king paused for a reply ; none being  
“ made, he continued : ‘ There is a difference,’ said  
“ he, turning to the hermit, ‘ between you, and  
“ the rest of mankind : you will die the death  
“ of the righteous ; and you will rise at the resur-  
“ rection of the just. But they,’—here he paused ;  
“ his eyes seemed full of tears, and his mind absent,  
“ as if intent on painful recollection.

“ After a few moments, he hastily rose, and  
“ taking a polite and kind leave of the gentleman,  
“ returned with his retinue to the monastery.

“ During his whole stay, the king assisted at all  
“ the offices. In all of them, he manifested a deep

“ and fervent devotion. His misfortunes seemed  
“ to have been the means of awakening his heart,  
“ to worship God in spirit and in truth.

“ Next day, the king prepared to depart at an  
“ early hour.

“ On taking leave, he threw himself at M. de  
“ Rancé's feet; and, with tears, requested his part-  
“ ing benediction.

“ The abbot bestowed it in a most solemn and  
“ affecting manner.

“ The king, on rising, recognized the monk on  
“ whose arm he leant, to get up. He was a noble-  
“ man, who had long served in his army, (the  
“ honourable Robert Graham). ‘ Sir,’ said the  
“ king, addressing himself to him, ‘ I have never  
“ ceased to regret the generosity, with which you  
“ made a sacrifice of a splendid fortune in behalf  
“ of your king. I can, however, now grieve at it  
“ no longer; since I perceive that your misfortunes  
“ in the service of an earthly monarch, have proved  
“ the blessed means of your having devoted your  
“ heart to a heavenly one.’

“ The king then mounted his horse and de-  
“ parted.

“ James II, from that period, repeated his visits  
“ to La Trappe annually.

“ On these occasions, he always bore his part in  
“ the exercises of the community. He often assisted  
“ at the conferences of the monks, and spoke with  
“ much unction. It is said, that the king's character  
“ appeared to undergo a strikingly perceptible,  
“ though a progressive change.

“ He, every year, appeared to grow in piety and  
“ grace; and he evidently increased in patience and  
“ submission to the Divine will.

“ In 1696, the queen accompanied the king to  
“ La Trappe. She was accommodated for three  
“ days, with all her retinue, in a house adjoining  
“ the monastery, built for the reception of the com-  
“ mendatary abbots. She was much pleased with  
“ her visit, and expressed herself to be not less  
“ edified than the king.

“ Both of them entertained sentiments of the  
“ highest veneration for M. de Rancé. Their ac-  
“ quaintance, thus begun, was soon matured into a  
“ solid friendship.

“ They commenced a correspondence, which was  
“ regularly maintained on both sides, till M. de  
“ Rancé's death.

“ The following are the terms, in which the  
“ king expressed himself, respecting M. de Rancé:

“ ‘ I really think nothing has afforded me so much  
“ consolation, since my misfortune, as the conver-  
“ sation of that venerable saint, the abbot de la  
“ Trappe. When I first arrived in France, I had  
“ but a very superficial view of religion; if I might  
“ be said to have any thing deserving that name.  
“ The abbot de La Trappe was the first person, who  
“ gave me any solid instruction with respect to  
“ genuine christianity.

“ ‘ I formerly looked upon God as an omnipotent  
“ creator, and as an arbitrary governor. I knew  
“ his power to be irresistible: I therefore thought  
“ his decrees must be submitted to, because they



“ could not be withstood. Now, my whole view is  
“ changed. The abbot de la Trappe has taught  
“ me to consider this great God as my father ; and  
“ to view myself as adopted into his family. I now  
“ can look upon myself as become his son, through  
“ the merits of my Saviour, applied to my heart by  
“ his Holy Spirit. I am now convinced, not only  
“ that we ought to receive misfortunes with patience,  
“ because they are inevitable ; but I also feel as-  
“ sured, that death, which rends the veil from all  
“ things, will probably discover to us as many new  
“ secrets of love and mercy in the economy of God’s  
“ providence, as in that of his grace. God, who  
“ gave up his only Son to death for us, must surely  
“ have ordered all inferior things by the same spirit  
“ of love.’

“ Such were king James’s sentiments respecting  
“ M. de Rancé. The abbot, on the other hand,  
“ entertained as high an opinion of him. The fol-  
“ lowing passage, concerning the unfortunate king  
“ of England, occurs in one of M. de Rancé’s letters  
“ to a friend.

“ ‘ I will now speak to you, concerning the king  
“ of England. I never saw any thing more striking,  
“ than the whole of his conduct. Nor have I ever  
“ seen any person, more elevated above the tran-  
“ sitory objects of time and sense. His tranquillity  
“ and submission to the Divine will, are truly mar-  
“ vellous. He really equals some of the most holy  
“ men of old, if indeed he may not be rather said  
“ to surpass them.

“ ‘ He has suffered the loss of three kingdoms ;

“ yet his equanimity and peace of mind are undisturbed. He speaks of his bitterest enemies, without warmth. Nor does he ever indulge in those insinuations, which even good men are apt to fall into, when speaking of their enemies. He knows the meaning of two texts of scripture, which are too much neglected:—‘ It is given you to suffer ;’ and, ‘ despise not the gift of God !’ He, therefore, praises God for every persecution and humiliation, which he endures. He could not be in a more equable state of mind, even if he were in the meridian of temporal prosperity.

“ ‘ His time is always judiciously and regularly appropriated. His day is filled up in so exact a manner, that nothing can well be either added to or retrenched from his occupations.

“ ‘ All his pursuits tend to the love of God and man. He appears uniformly to feel the Divine presence. This is perhaps the first and most important step in the divine life. It is the foundation of all which follow.

“ ‘ The queen is in every respect influenced by the same holy desires.

“ ‘ The union of these two excellent persons, is founded on the love of God.

“ ‘ It may be truly termed, a holy and a sacred one.’ ”

## LXVI. 4.

*Death of James.*

THE last moments and death of the unfortunate monarch are thus described by sir James Macpherson from the papers in the Scottish college at Paris \* :—

“ The steps taken by William and the States,  
“ against the house of Bourbon, were no secret at  
“ the court of France. But intelligence of the  
“ conclusion of the treaty could not have arrived  
“ at Versailles, when an incident happened, which  
“ induced Lewis, perhaps too precipitately, to de-  
“ clare himself in opposition to England. The  
“ unfortunate king James, having ever since the  
“ peace of Ryswick, lost every hope of being re-  
“ stored to the throne, had resigned himself to all  
“ the austerities of religious enthusiasm. His con-  
“ stitution, though vigorous and athletic, had, for  
“ some time, begun to yield to the infirmities of  
“ age, and to that melancholy, with which super-  
“ stition, as well as his uncommon misfortunes,  
“ had impressed his mind. In the beginning of  
“ September, when he was, according to his daily  
“ custom, at public prayers, he fell suddenly into  
“ a lethargy ; and though he recovered soon after  
“ his senses, he languished for some days, and ex-  
“ pired on the 6th of September. The French  
“ king, with great humanity, paid him several

\* History of Great Britain and Ireland, vol. ii. p. 214.



“ visits during his sickness ; and exhibited every  
“ symptom of compassion, affection, and even re-  
“ spect.

“ Lewis being under a difficulty how to proceed  
“ upon the expected death of James, called a coun-  
“ cil to take their advice, whether he should own  
“ the prince of Wales as king of Great Britain and  
“ Ireland. The king himself had hesitated long  
“ on this delicate point. But the dauphin, the  
“ duke of Burgundy, and all the princes of the  
“ blood declared, that it was unbecoming the dig-  
“ nity of the crown of France, not to own that the  
“ titles of the father devolved immediately upon  
“ the son. Lewis approving of a resolution to  
“ which he had been of himself inclined, resolved  
“ to inform the dying king, in person, of the de-  
“ termination of the council. When he arrived at  
“ St. Germain's, he acquainted first the queen, and  
“ then her son of his design. He then approached  
“ the bed in which James lay, almost insensible  
“ with his disorder. When James, rousing him-  
“ self, began to thank his most christian majesty  
“ for all his favours, the latter interrupted him,  
“ and said : ‘ Sir, what I have done is but a small  
“ matter. But what I have to say is of the utmost  
“ importance.’ The people present began to re-  
“ tire. ‘ Let no person withdraw,’ he said, ‘ I  
“ come to acquaint you, sir, that when God shall  
“ please to call your majesty from this world, I shall  
“ take your family into my protection, and acknow-  
“ ledge your son, as then he will certainly be, king  
“ of Great Britain and Ireland.’

“ The voice of a Divinity could not have made  
“ a greater impression on the unfortunate servants  
“ of James, who were all present, than this unex-  
“ pected declaration from the French king. They  
“ burst at once into a murmur of applause, which  
“ seemed to be tinctured with a mixture of grief  
“ and joy. Some, threw themselves, in silence, at  
“ his feet. Others wept aloud. All seemed to be  
“ so much affected, that Lewis himself was melted  
“ into tears. James, in a kind of ecstasy, half-  
“ raised himself on the bed, and endeavoured to  
“ speak. But the confused noise was so great, and  
“ he so weak, that his voice could not be heard.  
“ The king himself, as if unable longer to bear  
“ this melancholy scene, retired. But, as he  
“ passed through the court of the palace, he called  
“ the officer of the guard, and ordered him to  
“ treat the young prince as king, whenever his  
“ father should expire. Though James survived  
“ this declaration but one day, he sent the earl of  
“ Middleton to Marli to thank his most christian  
“ majesty for his kindness to himself and his pro-  
“ mised protection to his family. Upon his death,  
“ his son was acknowledged by the court and the  
“ nation. Lewis himself visited him in form, and  
“ treated him with the name of majesty. But the  
“ adherents of the nominal king, chose not to pro-  
“ claim him with the usual solemnity, not knowing  
“ how the title of France would be taken by that  
“ prince, who was the only support of his cause.”

## LXVI. 5.

*Historical Poems of Dryden, on the Occurrences in the reigns of Charles the second and James the second in which the English Catholics were particularly interested.*

DRYDEN'S historical poems,—Absalom and Ahithophel, the Medal, Religio Laici, and the Hind and Panther, contain several passages, which throw light both on the religious and the political feuds, by which the reigns of Charles II. and his successor were agitated. These splendid monuments of genius,—in their kind, without a rival or a second,—are inserted in the ninth and tenth volumes of the edition of the poet's works by sir Walter Scott, and frequently illustrated by his learned and ingenious annotations,

The condition of the roman-catholics at the time when Dryden wrote, is thus described by him :

- “ The inhabitants of Old Jerusalem
- “ Were Jebusites \*,—the town so call'd from them ;
- “ And theirs the native right.—
- “ But, when the chosen people † grew more strong,
- “ The rightful cause at length became the wrong ;
- “ And every loss the men of Jebus bore,
- “ They still were thought God's enemies the more.
- “ Thus worn and weaken'd, well or ill content,
- “ Submit they must to David's government ;
- “ Impov'rish'd and depriv'd of all command,
- “ Their taxes doubled, as they lost their land ;
- “ And what was harder yet to flesh and blood,
- “ Their gods disgrac'd, and burnt like common wood.

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\* The Catholics.

† The Protestants.



Dryden seems to have thought, when he wrote his *Absalom and Ahithophel*, that Oates's plot was not wholly a fabrication : he describes it,

- “ The nation's curse,  
 “ Bad in itself, but represented worse :  
 “ Praised in extreme, and in extreme decried ;  
 “ With oaths affirmed, by dying vows denied.  
 “ Some truth there was, but dash'd and brew'd with lies.

And that,

- “ Succeeding times did equal folly call  
 “ Believing nothing, and believing all.”

It now seems clear, that the plot, as it was described by Oates, was a mere fabrication ; and that the greatest faults which could, with any degree of justice, be charged upon any catholics, were,—their entertaining too sanguine an expectation of the immediate conversion of the kingdom to their faith ; an occasional injudicious activity in promoting it ; and the unguarded language, by which some,—as father Coleman in his well known letters,—described their prospects and expressed their hopes.

Sir Walter Scott observes that, from the “ time of  
 “ the execution of lord Stafford, the popish plot  
 “ like a serpent, which has wasted its poison,  
 “ though its wreathes entangled many, and its  
 “ terrors held their sway over more, did little ef-  
 “ fectual mischief : but that even, when long life-  
 “ less and extinguished, the chimera, far in the  
 “ succeeding reigns, continued, like the dragon  
 “ slain by the red-cross knight, to be the object of

“ popular fear, and the theme of credulous terrorists,

“ Some fear'd and fled; some fear'd and well it fain'd.—

“ One, that would wiser seem than all the rest,

“ Warn'd him not touch; for yet, perhaps, remain'd

“ Some ling'ring life within his hollow breast.

“ Or in his womb might lurk some hidden nest

“ Of many dragonettes, his fruitful seed;

“ Another said, that, in his eyes did rest

“ Yet sparkling fire, and bade thereof take heed;

“ Another said, he saw him move his eyes indeed.”

It is known that several of the witnesses for the plot afterwards became witnesses against lord Shaftesbury and the whigs. “ This,” sir Walter Scott observes \*, “ was triumphantly urged by the tories. “ Are not these men good witnesses, upon whose “ testimony, Stafford and so many catholics have “ been executed, and whom you yourselves have so “ long celebrated, as men of virtue and veracity? “ You have admitted them into your bosom; they “ are best acquainted with your treasons.”—“ To “ this,” sir Walter observes, “ there was but one “ answer: ‘ We have been duped by our own pre- “ judices, and the perjury of these men.’—But this “ though the whigs’ true defence, required a can- “ did disavowal of the popish plot, and reprobation “ of the witnesses; and that, no true protestant “ would submit to.”

The *Religio Laici* of Dryden is allowed to be one of the most admirable poems in the language.

\* Medal, note 9.

It is observed by the editor, that, “ at the time, “ in which it appeared, the nation was divided “ into the three great sects, of churchmen, papists “ and dissenters. To the catholics, the dissenters “ objected their cruel intolerance and jesuitical “ practices ; to the church of England, their servile “ dependence on the crown, and slavish doctrine “ of non-resistance. The catholics, on the other “ hand, charged the reformed church of England “ with desertion from the original doctrines of “ christianity, with denying the infallibility of gene- “ ral councils, and destroying the unity of the “ church ; and against the fanatics, they objected “ their antimonarchical tenets, the wild visions of “ their independent preachers, and their seditious “ cabals against the church and state. While the “ church of England was thus assailed by two foes, “ who did not at the same time spare each other, “ it probably occurred to Dryden that he, who “ could explain her tenets, by a plain and philoso- “ phical commentary, had a chance, not only to fix “ and regulate the faith of her professors, but of “ reconciling to her, as a middle course, the catho- “ lics and the fanatics.—A national and philoso- “ phical view of the tenets of the national church “ liberally expressed, and decorated with the orna- “ ments of poetry, seemed calculated to produce “ this effect.”

Every christian reader who peruses the following lines, in the poem, of which we are now speaking, will respect both the talents of the poet, and the



purpose, to which, on this occasion, he devoted them.

- “ If on the book itself \* we cast our view,  
 “ Concurrent heathens prove the *story* true :  
 “ The *doctrine*, miracles ;—which must convince ;  
 “ For heaven in them appeals to human sense ;  
 “ And though they prove not, they confirm the cause,  
 “ When what is taught agrees with nature’s laws.  
 “ Then,—for the style,—majestic and divine,  
 “ It speaks no less than God, in every line ;  
 “ Commanding words, whose force is still the same  
 “ As the first fiat, that produc’d our frame.  
 “ All faiths beside, or did by arms ascend,  
 “ Or sense indulg’d has made mankind their friend ;  
 “ This only doctrine does our lusts oppose,  
 “ Unfed by nature’s soil, in which it grows ;  
 “ Cross to our interests, curbing sense and sin ;  
 “ Oppress’d without, and undermin’d within,  
 “ It thrives through pain ; its own tormentors tires,  
 “ And, with a stubborn patience, still aspires ;  
 “ To what can reason such effects assign,  
 “ Transcending nature, but to laws divine ?”

As yet, Dryden was within the protestant pale : but several parts of the poem shew that he was verging to the catholic side. He intimates that the Bible should be received with the interpretation of the early fathers : still he asserts the right of private judgment, but expresses a strong wish for an infallible guide.

This, by becoming a convert to the roman-catholic religion, he afterwards found ; and to this circumstance we owe “ The Hind and the Panther,” probably the best controversial poem in any language. The object is to recommend an union between the milk-white hind,—(the catholic religion),

\* The Bible.

—who must be loved as soon as she is seen and known,—and the Panther,—(the established church),—the noblest next the lion, and too good to be a beast of prey,—against their common enemies, the bear, the hare, the ape, the boar and the fox, or the independents, the quakers, the free-thinkers, the anabaptists and the unitarians. It is justly observed by sir Walter Scott, that the object of the poem shews that Dryden was not in the secret of James II, as the purpose of the monarch was to introduce a free exercise of the catholic religion, not by an union between its adherents and the members of the established church, but by uniting the dissenting congregations in a common interest, with the hind, against the exclusive power and privileges of the panther and her subjects.

The poet thus describes, with exquisite beauty, his own wanderings and final settlement.

- “ What weight of ancient witness can prevail,
- “ If private reason holds the public scale?
- “ But gracious God! how well dost thou provide,
- “ For erring judgments an unerring guide!
- “ Thy throne is darken'd in th' abyss of light;
- “ A blaze of glory that forbids the sight.
- “ O! teach me to believe thee, thus conceal'd,
- “ And search no further than thyself reveal'd:
- “ But her alone for my directress take,
- “ Whom thou hast promis'd never to forsake!
- “ My thoughtless youth was wing'd with vain desires,
- “ My manhood, long misled by wand'ring fires,
- “ Follow'd false lights; and when their glimpse was gone
- “ My pride struck out new sparkles of my own.
- “ Such *was* I,—such by nature still I *am*;
- “ Be thine the glory and be mine the shame,
- “ Good life be now my task,—my doubts are done!—

Two fables of exquisite beauty close this noble poem. The first, is founded on an historical anecdote; the fact it relates, if true, now seems to be forgotten.—The hind, warmed with the prospect of the near accomplishment of her hopes, indulges herself in some lines of decent exultation. To check it, the panther recounts to her with a sneer the disastrous tale of the swallows, who long had possessed

“ Their summer seat, and feather’d well their nest ;—

when yellow leaves and bitter blasts admonished them,

“ To remove betimes,

“ And seek a better heaven and warmer climes.”

A council was held ; and a speedy removal to a more genial clime appeared to be the wish of the majority of the tribe ; but the marten, their household chaplain, moved for a delay and carried his motion. On the very following night, a bitter frost came on,

“ And Boreas got the skies, and pour’d amain

“ His rattling hail-stones, mix’d with snow and rain.

“ The joyless morning late arose,—and found

“ A dreadful desolation reign around :

“ Some buried in the snow, some frozen to the ground ;

“ The rest were struggling still with death, and lay

“ The crows and ravens right,—an undefended prey :

“ Except the marten’s race, for they and he

“ Had gained the shelter of an hollow tree.”

These lines, we are informed by sir Walter Scott, refer to a secret consultation, held in 1686, by the principal roman-catholics at the Savoy. Perceiving



the general temper of the nation, the catholics had taken alarm ; and the meeting was called “ to consult how the favourable crisis might be most improved to the advantage of their cause. Father Petre had the chair ; and at the very opening of the debate, it appeared that the majority were more inclined to provide for their own security, than to come to extremities with protestants. Notwithstanding the king’s real power and success, they were afraid to push the experiment any further. The people were already alarmed, the soldiers could not be depended upon, and the very courtiers melted out of their grasp.—Upon these considerations, some were for a petition to the king, that he would only so far interpose in their favour, that their estates might be secured to them by the parliament, with exemption from all employments, and liberty to worship God in their own way in their own houses. Others were for obtaining the king’s leave to sell their estates, and transport themselves and their effects into France : all, but father Petre, were for a compromise of some sort or other ; but he disclaimed whatever had a tendency to moderation, and was for making the most of the voyage, while the sea was smooth and the wind prosperous. All these several opinions, we are further told, were laid before the king, who was pleased to answer, ‘That before their desires were made known to him, he had procured a sure retreat and sanctuary for them in Ireland, in case all those endeavours, which he was making for their security in

“ England, should be blasted, and which as yet  
 “ gave him no reason to despair.’ ”

To the monitory tale of the panther respecting the swallows, the hind opposes the tale of the poultry, or the catholic priests whom, for his own immediate service, the king kept in a private farm, but whom the pampered pigeons,—or the clergy of the established church, beheld with malignant eyes, and,

“ Though hard their fare at evening and at morn,  
 “ A cruse of water or an ear of corn,  
 “ Yet still they grudged that modicum, and thought  
 “ A sheaf in every single grain was brought ;  
 “ And much they griev’d to see so nigh their hall,  
 “ The bird \* that warn’d St. Peter of his fall ;  
 “ That he should raise his mitred crest so high,  
 “ And clap his wings, and call his family  
 “ To sacred rites, and vex th’ ethereal powers  
 “ With midnight matins at uncivil hours.”

Dryden proceeds to mention the achievements of the buzzard, or bishop Burnet, who put himself at the head of the pigeons and made a furious attack on the poultry.—Still, however, were they protected by the sovereign.—But the buzzard anticipated his future triumph,—(an anticipation too well and too often realized),—over the miserable pigeons,—

“ When, rent in schism,—(for so their fate decrees ),  
 “ Like the tumultuous college of the bees,  
 “ They fight their quarrel—by themselves oppress ;—  
 “ The tyrant smiles below, and waits the falling feast †.”

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\* The cock,—emblem of the regular clergy of Rome, on account of their nocturnal attendance at matins.

† We feel that the extracts, which we have made from these admirable poems, are too long ;—one more, however, we

cannot refuse to ourselves the pleasure of transcribing ; we are confident that our readers will peruse it with delight.—Alluding to the slanders of his character, by bishop Stillingfleet, the bard thus expresses himself in strains,—

“ ————— Far,  
“ Above the flight of Pegasean wing.”

MILTON.

“ Be vengeance wholly left to powers divine,  
 “ And let heaven judge between your sons and mine!  
 “ If joys hereafter must be purchas’d here,  
 “ With loss of all that mortals hold most dear,  
 “ Then, welcome infamy and public shame,  
 “ And last,—a long farewell to worldly fame.—  
 “ ’Tis said with ease ;—but O ! how hardly tried  
 “ By haughty souls, to human honour tied !  
 “ O ! sharp convulsive pangs of agonizing pride !  
 “ Down then thou rebel ! never more to rise !  
 “ And what thou didst and dost so warmly prize,  
 “ That fame,—that darling fame,—make that thy sacrifice.  
 “ ’Tis nothing thou hast given :—then add thy tears  
 “ For a long race of unrepenting years :—  
 “ ’Tis nothing yet :—yet, all thou hast to give :  
 “ Then add, those may-be years, thou hast to live :  
 “ Yet nothing still !—then, poor and naked come,  
 “ Thy Father will receive his unthrift home,  
 “ And thy blest Saviour’s blood discharge the mighty sum.’

Happy is the man who receives calumny with these sentiments! “ Did a person,” the celebrated abbot de Rancé used to observe, “ but know the value of an enemy, he would “ purchase him with gold, that he might pardon him, and “ thus entitle himself to the pardon, which the eternal truth “ has promised to those, who pardon their enemies.”—*Life of the abbot de Rancé, c. xiii.*



## CHAP. LXVII.

## WILLIAM THE THIRD.

1688.

THE reign of William III, so far as it particularly affected his roman-catholic subjects, is remarkable on this account, that, while the attachment, which they were supposed to entertain for the exiled family, rendered their allegiance to his majesty suspected, and thus furnished a new pretence for the persecution of them, the spirit of religious liberty, which had for some time been gaining ground in several parts of Europe, began to operate in their favour, and thus rendered the reign of this monarch, though some new laws were enacted in it against them, the æra from which the commencement of their enjoyment of religious toleration may be dated.—As leading to this subject, we shall now endeavour to present our readers, with a very succinct outline, I. Of the history of religious tolerance and intolerance: II. Of the act of toleration passed in the reign of William in favour of the protestant dissenters: III. Of the schism of the non-jurors: IV. And of the laws enacted against the roman-catholics.

## LXVII. 1.

*Historical Minute of religious Tolerance and  
Intolerance.*

1. THE advocates of religious intolerance justify it by several passages in the history of the *Old*

*Testament*, in which the Mosaic code punishes the inobservance of religious precepts by severe penal inflictions, and sometimes by death.

But they forget the theocracy of the Israelites.—By their own free consent, God was their king,—“God was king in Israel \* :”—and when, in the time of Samuel, the Jews asked for a mortal sovereign, God announced to them, that “they rejected him,—that he should not reign over them†.” The whole territory of the Jews was his property; they were his vassals; they were only usufructuaries of their lands, they could not dispose of them in perpetuity‡: the escheat or ultimate reversion, as an English lawyer would term it, of all the land in Judæa, belonged to God, as their legal sovereign.

Thus the injunction of some practices and the prohibition of others were, by the law of Moses, not merely precepts of the Divine law:—such they certainly were,—but they were also laws of the state; and disobedience to them was both a sin against God, the supreme Lord of all, and a crime against God, their accepted king.—Thus the idolater was not merely a spiritual delinquent; he was also a national traitor §. God is temporal

\* Deut. xxxiii. 5.

† 1 Sam. viii. 7; x. 18, 19.

‡ Gen. xlvii. 19, 20; Lev. xxv. 23.

§ See Commentaries on the Laws of Moses, by the late sir John David Michaëlis, K. P. S. F. R. S. professor of philosophy in the university of Gottingen; translated from the German, by Alexander Smith, D. D. minister of the chapel of Garcock, Aberdeenshire, 1814, vol. i. art. xxxiii. xxxiv. xxxv.

king, in no other state :—no argument, therefore, in favour of religious persecution in any other kingdom is offered by the penal inflictions on idolatry by the Mosaic law.

2. Religious liberty was not allowed by the *pagan legislation* of antiquity, in so extensive a degree as has been often represented. By the law of Athens, the act of introducing foreign deities was punished with death : the law of Rome was not so severe ; Mosheim and Bynkershook seem to prove, that, though the Romans would not allow any change to be made in the religious worship, publicly professed in the empire, nor any new form to be openly introduced, yet that, except when it threatened danger to the state, they granted a free toleration of foreign worship, not only to individuals, but to bodies of men.

The christians, whose mild, unassuming and benevolent morality entitled them to universal goodwill, were alone denied the benefit of this general toleration. From the reign of Nero, till the triumph of Constantine the great over his rival Licinius, they were always treated with harshness, and repeatedly suffered the severest persecutions.

3. The favour of Constantine to the christians, was shewn immediately after his first successes, by his repeal of the laws enacted against them. He restored them, by the edict of Milan, to all their civil and religious rights ; and he allowed them, in common with the rest of his subjects, the free choice and exercise of their religion. In the general dispensation of his favours, he held, with an impartial hand, the



balance between his christian and heathen subjects. His successors, except during the short interval of the reign of Julian, strongly encouraged christianity and discountenanced heathenism. Finally, by the edicts of Theodosius, the ancient worship of Rome was proscribed, and christianity became the established religion of the empire. Till those edicts, the spirit of polytheism had lingered among the principal nobility of Rome ; after them, it lingered among the Grecian philosophers : but by his edict in 529, Justinian silenced the schools of Athens ; and to that æra, the final extinction of paganism is always assigned.

4. It is distressing to reflect how large a portion of the annals of the *christian æra* must be dedicated to the history of persecution : particularly as nothing is more contrary to the language or the spirit of the Gospel. These prescribed, first, that the offender should be privately admonished ; if this should prove ineffectual, one or two of the brethren were to give their sanction to the justice of the admonition ; if this failed, the matter was to be brought under the cognizance of the church ; if the offender then proved refractory, he was to be excommunicated ;—that is,—expelled from the communion of the faithful. It was thought, that the sentence was generally ratified in heaven. The primitive churches might judge erroneously, but while they retained their original sanctity and purity, the probability was in favour of the justice of their proceedings.—In proportion as they degenerated, error became more probable ; still a sentence of excommunica-

tion was always, among serious christians, a just cause of alarm. No rank exempted a person from it : even the emperor Theodosius was excommunicated by St. Ambrose the bishop of Milan, and submitted to a penance of eight months, before the prelate restored him to the communion of the faithful.

Generally speaking, a person excommunicated in a particular church was not admitted into communion in any other : where a subordination was adopted, the excommunicated person sometimes appealed to the next higher tribunal : it was always lawful for him to appeal to the see of Rome, as the highest.

Still, all was regulated by the power of the keys,—or the spiritual power. The first interference of the temporal power in spiritual concerns seems to have been against Paul, bishop of Samosata, when the emperor Aurelian, on the application of a christian synod, expelled him from the episcopal mansion \*.—The emperor Constantius proceeded against the Arians by imprisonment, and ordered their books to be burned : his son Constantius proceeded in the same manner against the orthodox. Honorius, the emperor of the east, was the first sovereign, who made heresy a capital crime ; but it does not appear that this law was ever carried into execution. In 376, all the heathen temples in cities were ordered to be shut up ; in 382, sacrifices were prohibited to be offered in temples or villages.—At first, St. Augustine declared against

\* Fleury's Seventh Discourse.

compulsion in matters of religion : “ When the  
 “ emperor Honorius,” says Mr. Alban Butler, in his  
 Life of St. Augustine \*, “ published new severe de-  
 “ crees against the Donatists, condemning them to  
 “ heavy fines and other penalties, St. Augustine  
 “ at first disapproved such a persecution ; though  
 “ he afterwards changed his opinion, when he saw  
 “ the sincere conversion of many, who, being moved  
 “ by the terror of these laws, had, by examining,  
 “ opened their eyes to discover the truth, and  
 “ heartily embrace it.”

By degrees, it became a frequent practice to annex civil penalties to the censures of the church. This was done by many imperial constitutions † ; the penalties of heresy were aggravated in the jurisprudence of the nations, who invaded the Roman empire : burning alive, and finally the inquisition ‡, —that greatest triumph of fanaticism over humanity, —were introduced by these §.—It should not,

\* Lives of Saints, Augustine, p. 482 ; Murphy’s edition.

† The writer is sensible that, during the last century, the horrors of the inquisition were greatly softened in Italy and Spain, and in other places : he speaks of it as it was originally formed, and, with little variation, continued till the close of the 17th century.

‡ See *ante*, c. x. s. 4.

§ Nec lex justior ulla est

Quam necis artifices arte perire suâ.

The emperor Frederick ordained that, if any temporal lord, when admonished by the church, should neglect to clear the territories of heretics within a year, it should be lawful to seize and occupy the lands, and exterminate the heretical possessor. Upon the authority of this very constitution, the pope afterwards expelled this very emperor Frederick from his kingdom of Sicily, and gave it to Charles of Anjou.



however, be forgotten, that in some cases, as those of the Donatists and the Albigenses, the persons thus punished for heresy, had deserved severe punishments, for their seditious practices.

5. The first penal statute enacted *by an English parliament* against heresy, was in the fifth year of Richard II \*, when it was enacted that, “heretics” should be kept in prison, till they justified themselves, according to law, and the reason of holy church.” By an act passed in the second year of the reign of Henry IV †, convicted heretics might be imprisoned and confined at the discretion of the diocesan, or his commissary; and those, who refused to abjure, or who relapsed, were ordered to be burned to death, in some conspicuous place.—In the beginning of the reign of Henry V ‡, an act was passed against the Lollards or Wickliffites, by which it was decreed, that they should forfeit all their goods and chattels. In this reign the writ “*de hæretico comburendo*” was frequently issued from the court of chancery; but it should be observed, that this was not a writ of course,—or to use the legal phrase, *ex debito justitiæ*; it was only issuable by the special direction of the king in council §; so that if it was sometimes obtained from the king to persecute an heretic, it was often issued to save him.

\* A. D. 1382.

† A. D. 1400.

‡ A. D. 1414.—See *ante*, c. x. s. 6.

§ 1 Hale, P. C. 395. On the subject of these laws, see Neal's Hist. i. c. 1.

6. *The reformation* arrived :—looking to this circumstance with an eye towards the tolerating feelings and habits of the present times, we should easily suppose that the primitive reformers were tolerant : but history shews, that, wherever the reforming banner triumphed, a long reign of intolerance was certain to ensue. “The reformers,” says Mr, Gibbon \*, “were ambitious of succeeding the tyrants, whom they had dethroned. They imposed, with equal rigour, their creeds and confessions ; they asserted the right of the magistrate to punish with death.” Another able writer † has observed, “that the free exercise of private judgment, was most heartily abhorred by the first reformers, except only, when the persons, who assumed it, had the good fortune to be exactly of their opinion.”—From the former pages of this publication it appears, that they persecuted both the catholics, and all those protestants, whose religious creeds differed from their own, with merciless severity.—In the curious conference between Maitland of Lithington, the secretary of state, and Knox ‡, both the secretary and the reformer agreed that idolatry ought to be suppressed, and that “the idolater ought to die the death :”—the only point in difference between them was, whether mass was idolatry, and the hearer of it an idolater.

\* Hist. liv.

† The author of the critique on Cook's History of the Church of Scotland, in the Edinburgh Review, vol. xxvii. p. 162.

‡ Knox, p. 357.

Thus, intolerance may be charged on every party. *If* catholics be justly chargeable with a greater share of it than any denomination of protestants, it should not be forgotten how much longer time, how much greater means the catholics have possessed for persecution, than have yet been enjoyed by protestants:

## LXVII. 2.

*Act of Toleration.*

THE claims of the protestant dissenters, at the time of the revolution, to complete toleration, were well founded; and William's own disposition induced him to accede to them in their full extent: but his wishes were opposed by a powerful party in each house of parliament, and the measure of toleration, which was granted to the dissenters, was extremely limited. The corporation act and the test act, were left to operate on them; but, on taking the oaths of allegiance and supremacy and subscribing the declaration against popery, they were exempted from all the laws passed, in any of the preceding reigns, against persons refusing or neglecting to attend the service of the established church, and the exercise of their own religious worship was allowed them under certain easy regulations; those, who denied the Trinity, were, however, excepted from the benefits of the act\*.

A further indulgence was shewn to the feelings of the protestant dissenters, by the alteration which

\* See the history of the passing of this act, in "The Rights of the Protestant Dissenters," c. iii. s. 3.



was made in the oath of supremacy. The oath prescribed by the act passed in the first year of the reign of Elizabeth, remained in force till the revolution. That oath contained, as we have seen, a clause, by which the person taking it was made to “testify and declare, on his conscience, that the “queen’s highness was the only supreme governor “of this realm, and all other her highness’s dominions, as well in all spiritual things or causes, as “temporal.” The clause, thus explicitly affirming the supremacy of the queen in spiritual causes and things, was followed by the negative clause, by which the authority of any foreign power in them, was denied. To this, the presbyterians had no objection, but the affirmative clause was offensive to them in the highest degree, as it expressed a doctrine diametrically opposite to their high notions of the independence of the church of Christ on the civil power, in every thing, that regards religious doctrine or discipline: on this account, a humane and politic attention to their tenets and feelings dictated to the government of William the justice and propriety of the omission of the affirmative clause from the oath. In the same spirit of indulgence, a clause was introduced, by which protestant dissenters in holy orders, and preachers and dissenters in dissenting congregations, who should subscribe the declaration against transubstantiation and popery, and testify their approbation of the thirty-nine articles, except the thirty-fourth, thirty-fifth, and thirty-sixth, and these words of the twentieth articles,—(*the church hath*

*power to decree rites or ceremonies, and authority in controversies of faith*),—were exempted from certain penalties in the act for restraining non-conformists from inhabiting corporations\*, and from some in the act of uniformity †.

If we reflect on all the circumstances, under which this act was passed, we must admit, that the general cause of civil liberty gained by it considerably: if we view it without reference to these, we shall be more scandalized by the niggardliness, than edified by the liberality of the boon, which the protestant dissenters then received from the new government.

### LXVII. 3.

#### *The Nonjurors.*

It has been the practice of most governments to bind their subjects to allegiance, by requiring them to profess it, in a solemn manner, by a certain form of words, accompanied by an oath. The English oath of allegiance, administered for upwards of six hundred years, contained a promise, “to be true  
“and faithful to the king and his heirs, and truth  
“and faith to bear, of life, limb, and terrene honour,  
“and not to know or hear of any ill or damage intended, without defending him therefrom.”—At the revolution, the oath was thought to savour too much of the notion of passive obedience: the convention-parliament therefore prescribed a new form, by which the subject promised no more than that

\* 17 Car. II, c. 2.

† 13 & 14 Car. II, c. 4.

“ he would be faithful and bear true allegiance to “ the king; ” without mentioning “ his heirs,” or specifying in what that allegiance consisted.

Some, however, both among the members of the established church, and the dissenting congregations, held it unlawful to take the oath of allegiance to the new king, from a persuasion that James II, though banished from his dominions, remained their lawful sovereign, and consequently retained his right to their allegiance. This gave them the appellation of Nonjurors. Sancroft, the archbishop of Canterbury, doctor Lloyd, bishop of Norwich, doctor Turner of Ely, doctor Kenn of Bath and Wells, doctor Frampton of Gloucester, doctor Thomas of Worcester, doctor Lake of Chichester, and doctor White of Ely,—all of whom were distinguished by learning and virtue,—entertained this opinion ; and persisting in it, were deprived of their ecclesiastical dignities, and their sees were filled by men of eminent merit.—The nonjurors considered the deposed prelates as the lawful bishops of their respective sees, and the new prelates as intruders. They proceeded to form a new episcopal church, differing, in some religious tenets and rites, from that established by law. Several, as Hicks, Collier and Dodwell, were eminent for profound and extensive erudition. For a time, the body attracted notice and esteem both by the number and respectability of its members, but it gradually declined : in the middle of the last century, their congregations were extremely few, and perhaps, at this time, not one is to be found.



## LXVII. 4.

*Roman-catholics.*

IT was impossible that the roman-catholics should not grieve at the revolution : it was the triumph of the protestant over the catholic establishment. The Stuart family had no claim on their gratitude or personal regard, yet their attachment to it was great : a similar and an equal attachment to it, was felt by the general body of the nonjurors, and by a considerable proportion, both of the established church and the dissenting congregations. It arose equally from principle and affection \*.—The right even in theory of cashiering kings was, at this time, advocated by few, and most of those, who disapproved of the proceedings of James, thought that the innovations meditated by him, and all the consequences of his catholicity in respect to the public, might have been effectually prevented without disturbing the legal succession of the crown.

From circumstances, which cannot be divined, the Stuarts enjoyed the personal attachment, bordering on enthusiasm, of a large proportion of the nation, in a degree, and it should be added for a length of time, perhaps unknown in the annals of the world. For almost half a century after the revolution, this attachment continued ; their errors, and even their ingratitude were forgotten ; but their names were mentioned and their healths

\* See Johnson's *Memoirs of the Rebellion in 1745*, recently published ; and the excellent preface of the editor.

drank, with a fervour, which however erroneous, evidently flowed from an amiable feeling.

It was easy, on the accession of William, to foresee that the new reign would be marked by additional severities against the catholics.—Immediately after the commencement of it, an act\* was passed for removing all catholics ten miles from the cities of London and Westminster: another†, prohibited them from keeping arms; a third‡, vested the presentations of benefices, belonging to them, in the two universities.

The act “declaring the rights and liberties of the “subject §,” enacted, that every person, who should be reconciled to, or hold communion with the see or church of Rome, or profess the popish religion, or marry a papist, should be excluded from the crown.

By an act of the seventh and eighth year of the reign of William II, persons refusing to take the oaths of allegiance and supremacy, tendered by persons lawfully authorized to administer them, were made liable to suffer as popish recusants.

It is observable, that both during James’s actual invasion of Ireland, and his meditated invasion of England, in which he was to have been assisted by the French, with a formidable fleet, the catholics remained quiet. Two plots were formed against William, one of which was for his assassination: it does not appear that any catholic, or, at least, that any catholic of note, was engaged in either.

\* 1 W. & M. c. 9.

† 1 W. & M. c. 15.

‡ 1 W. & M. c. 26.

§ 1 W. & M. sess. 2, c. 2.

|| 7 & 8 W. c. 27.

Still, in the eleventh year of his reign, the parliament passed an act of extreme severity against the catholic body. A reward of 100 *l.* was offered for apprehending priests or jesuits ;—any priest or jesuit convicted of exercising his functions, or keeping a school, was made liable to perpetual imprisonment ; and persons, not taking the oaths of allegiance and supremacy, within six months after their attaining the age of eighteen years, were disabled from taking any estate or interest in any species of landed property : persons convicted of sending a child beyond seas, to be educated in the romish religion, were to forfeit 100 *l.* ; and the chancellor was authorized to compel the catholic parent of a protestant child to allow him a competent maintenance.

The last clause was defensible :—the other enactments were of unexampled severity. The causes of it are fully explained, in the account given by bishop Burnet, of the circumstances, which attended the passing of this act.

“ Upon the peace of Ryswick,” says he, (two years before,) “ a great swarm of priests came over to England ; not only those, whom the revolution had frightened away, but many more new men, who appeared in many places, with great insolence ; and it was said, that they boasted of the favour and protection, of which they were assured. Some enemies of the government began to give it out, that the favouring of that religion, was a secret article of the peace ; and so absurd is malice and calumny, that the jacobites began to say, that the king was, either of that religion, or at



“ least, a favourer of it. Complaints of the avowed  
“ practices and insolence of the priests were brought  
“ from several places during the last session of par-  
“ liament ; and those were maliciously aggravated  
“ by some, who cast the blame of all on the king.

“ Upon this, some proposed a bill, that obliged  
“ all persons, educated in that religion, or suspected  
“ to be of it, who should succeed to any estate, be-  
“ fore they were of the age of eighteen, to take the  
“ oaths of allegiance and supremacy, and the test,  
“ as soon as they came to that age ; and, until they  
“ did it, the estate was to devolve to the next of  
“ kin, that was a protestant ; but was to return  
“ back to them, upon their taking the oaths. All  
“ popish priests were also banished by the bill, and  
“ were adjudged to perpetual imprisonment, if they  
“ should again return to England ; and the reward  
“ of 100*l.* was offered to every one, who should  
“ discover a popish priest, so as to convict him.  
“ Those, who brought this into the house of com-  
“ mons, hoped, that the court would have opposed  
“ it ; but the court promoted the bill ; so, when the  
“ party saw their mistake, they seemed willing to  
“ let the bill fall ; and when that could not be  
“ done, they clogged it with many severe, and some  
“ unreasonable clauses, hoping that the lords would  
“ not pass the act ; and it was said, that if the lords  
“ should make the least alteration in it, they, in the  
“ house of commons, who had set it on, were re-  
“ solved to let it lie on the table, when it should be  
“ sent back to them. Many lords, who secretly  
“ favoured the papists on the jacobite account, did,

“ for this reason, move for several alterations; some  
“ of these importing a greater severity; but, the  
“ zeal against popery was such in that house, that  
“ the bill passed, without any amendment; and it  
“ had the royal assent.”—Such is bishop Burnet’s  
account of this extraordinary bill.

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## CHAP. LXVIII.

QUEEN ANNE.

1702.

TO a reader of these pages, who has noticed the number and severity of the laws, which were passed against the catholics in the reign of William, it may have appeared extraordinary, that the writer should assign this æra for the commencement of the religious toleration of the catholics: but he should carry back his reflections to the commencement of the reformation under Elizabeth; and then, if he contrasts the sufferings of the catholics during the reigns of that princess and of the three succeeding monarchs, with their condition during the reign of William, he must be sensible that, throughout the whole of it their situation was considerably ameliorated. It was the first reign after the reformation, in which no new sanguinary law was enacted against them; or in which no catholic suffered capitally for his religion; the government shewed nothing like a willingness to carry into execution, either the former penal laws, or even their own milder, yet

still severe enactments. The press teemed with publications against the catholics, but no fictitious plot was imputed to them, and no informer against them was encouraged. Some exceptions from this representation, (as the restoring of Oates to credit and rewarding him with a pension), may be cited : but these are so few as not to detract, in any respect, from its general accuracy ; and, speaking generally, the laws against positive recusancy, were allowed to fall insensibly into disuse. This system of toleration did the greater honour both to William and the nation, as the glaring pretension of the exiled family would have furnished a government less wise or less liberal with a plausible excuse for persecution. The tolerating spirit of the times, was greatly owing to the eminent latitudinarian divines, who formed, at this time, a considerable proportion of the English church : I. Of these we shall attempt to give some account\* : II. Then shew the general state of the catholics under the princess, to whose reign we have now brought our history.

\* What is said on this subject we have principally taken from " A brief Account of the new sect of Latitude Men, " together with some reflections upon the new philosophy, " by S. P. of Cambridge, in answer to a letter from his friend " at Oxford, London 1662 ;" Burnet's History of his own Times, vol. i. p. 188 ; Mosheim's History, cent. xvii. c. 2, sect. 27 ; and " The Principles and Practices of certain " moderate Divines of the Church of England, (greatly misunderstood), truly represented and defended, in a free " discourse between two intimate friends, in three parts, 8vo. " 1670," by doctor Fowler, afterwards bishop of Gloucester ; and " The Design of Christianity, 8vo. 1671," by the same author : both are written with learning, ability and method.



## LXVIII. 1.

*The Latitudinarian Divines.*

THE intolerance of the first reformers has been mentioned; but it must be acknowledged that though religious liberty was far from being their object, it was a consequence of the reformation. Always discountenanced and generally persecuted by authority, the reformers appealed to the people, and submitted their arguments and their feelings to the understanding and sympathy of the public. At first, each party asserted truth to be exclusively and unquestionably on their side, and claimed the whole church establishment for their own partisans. In the course of time, this lofty claim was abandoned, and the weaker party, professing to leave the established clergy in possession of the dignities and the wealth conferred on them by the state, sought no more than a reasonable toleration. They contended, that Christ sent his disciples to propagate his religion by instruction, not by the aid of the secular power:—and, as a subsidiary argument, they generally observed, that, among the points in difference between them and their adversaries, those, which either party considered essential, were few; and that, wherever truth resided, the error was not of a nature to disturb the state or injure individuals. This strain of argument seems to have been used, if not for the first time, at least with the greatest ability and success, by the Arminians of Holland. The synod of Dort, as we have

mentioned, decided against them, but public opinion decided in their favour,—and by degrees obtained the victory.

In the mean time, the latitudinarians of Cambridge arose: the description, which Burnet gives of them, is very interesting. Perceiving that the minds of men required to be more liberally enlightened, and their affections to be more powerfully engaged on the side of religion, than was formerly thought necessary, these set themselves, as the doctor expresses it, “to raise those, who conversed  
“with them, to another sort of thoughts, and to  
“consider the christian religion, as a doctrine sent  
“from God, both to elevate and to sweeten human  
“nature.—With this view they laboured chiefly to  
“take men from being in parties, from narrow  
“notions, and from fierceness about opinions.  
“They also continued to keep up a good correspondence with those, who differed from them in  
“opinion, and allowed a great freedom both in  
“philosophy and in divinity.”

The founders of this school were the ever memorable John Hales of Eton, and the immortal Chillingworth: we describe them by the appellations, which they now universally receive from protestant writers. Of the former, sir David Dalrymple, in the fine edition of the works of that divine, says, that all, “who are acquainted with the literary and  
“political history of England, will perceive that  
“the leading men of all parties, however different  
“and discordant, have, with a wonderful unanimity, concurred in praise of the virtues and

“abilities of the ever memorable Mr. John Hales  
“of Eton.”—Chillingworth is now the universal  
theme of protestant praise.

In their theological controversies with the catholics, the reformers had been much perplexed by the authority of the ancient councils and ancient fathers, which the catholics brought against them; and by the discrepancies and contradictions, which occurred in their own various creeds, confessions, articles and formularies of faith.—From these, they were entirely relieved by Chillingworth.—“By the  
“protestant faith,” says this celebrated man, “I  
“do not understand the doctrine of Luther, or  
“Calvin, or Melancthon; nor the confession of  
“Augusta, or Geneva, or the catechism of Heidelberg, nor the articles of the church of England; no, nor the harmony of protestant confessions; but that, wherein they all agree, and  
“which they all subscribe with a greater harmony,  
“as a perfect rule of their faith and their actions,  
“that is,—*The Bible*;—THE BIBLE AND THE  
“BIBLE ONLY IS THE RELIGION OF PROTESTANTS.  
“Whatsoever else they believe besides it, and the  
“plain, irrefragable, indubitable consequences of it,  
“well may they hold it as a matter of opinion; but,  
“as matter of faith and religion, neither can they,  
“with coherence to their own grounds, believe it  
“themselves, nor require the belief of it of others,  
“without the most schismatical presumption. I, for  
“my part, after a long, (and I verily believe and  
“hope), impartial search of the way to eternal happiness, do profess plainly that I cannot find any



“ rest for the sole of my foot, but upon this rock  
“ only.—This therefore, and this only, I have rea-  
“ son to believe ; this I will profess ; according to  
“ this, I will live ; and for this, if there be occasion,  
“ I will not only willingly, but gladly lose my life,  
“ though I should be sorry that any christian should  
“ take it from me. Propose me any thing out of  
“ this book, and require whether I believe it or not,  
“ and seem it never so incomprehensible to human  
“ reason, I will subscribe it with hand and heart,  
“ as knowing no demonstration can be stronger  
“ than this,—‘ God hath said so, therefore it is  
“ true.’—In other things I will take no man’s  
“ liberty of judgment from him ; neither shall any  
“ man take mine from me. I am fully assured that  
“ God does not, and therefore that men ought not,  
“ to require any more of man than this, to believe  
“ the scripture to be God’s word, to endeavour to  
“ find the true sense of it \*.”

Thus, this one article,—“ The Bible and the Bible only is the religion of protestants,”—contains, according to these eminent men,—the protestant religion.

Still, they subscribed the thirty-nine articles ;—but with a great latitude in the interpretation of them, and with an allowance of equal latitude to the other subscribers.—They considered then merely as an instrument of peace ; but the precise nature or extent of this latitude, seems never to have been defined with precision ; they certainly

\* Religion of Protestants, ch. vi. s. 56.

did not require absolute mental assent ; and probably allowed discussion, if it were not of a nature to disturb or weaken the external fabrick of the establishment. With archbishop Usher\*, they maintained, that “ the church of England did not define “ any of the questions, as necessary to be believed, “ either *ex necessitate medii*, or *ex necessitate præcepti*, which is much less ; but only bindeth “ her sons, for peace sake, not to oppose them.— “ We do not,” continues the learned prelate, “ suffer any man to reject the thirty-nine articles “ of the church of England at his pleasure ; yet “ neither do we look upon them as essentials of “ saving faith, or legacies of Christ and his apostles ; “ but in a mean, as pious opinions, fitted for the “ preservation of unity ; neither do we oblige any “ man to believe them, but only not to contradict “ them.”

The latitudinarians were friendly to liturgies, and preferred that of the church of England to all others, for its solemnity, gravity and simplicity ; its freedom from affected phrases and expressing vain or doubtful opinions ; they also approved of what they termed the virtuous mediocrity of that church, in its rites and ceremonies of divine worship ; they professed a deep veneration for the hierarchical œconomy of the established church, and considered it to be in itself the very best form of ecclesiastical government, and the same that was practised

\* Schism guarded, p. 396.—See the Principles and Practice of moderate Divines, p. 191.

in the time of the apostles \*. They reprobated no doctrine more than the predestinating decrees of Calvin.

We have mentioned the founders of the latitudinarian school : Taylor, Cudworth, Wilkins, Tillotson, Stillingfleet and Patrick, were among its brightest ornaments.—A writer in the *Edinburgh Review*†, says, that by their liberal and enlarged views of religion, their great powers of reasoning, and above all, “ by the gentleness and reasonableness of their way of explaining things‡, they reclaimed the great body of the people both from the dregs of fanaticism, and the folly of impiety ; and may be said to have rescued the nation from a long night of spiritual and moral darkness.”

But,—even these liberal men were unjust to the catholics : they both received and transmitted several of the charges unjustly brought against them ; often misrepresented their doctrines ; almost always expressed themselves of them with harshness ; sometimes admitted into controversial attacks of them the language of abuse and contumely ; and too frequently, when they were criminated for the laxity of their own opinions, ingloriously made a shew of orthodoxy, by abusing catholicity and catholics.

Still,—the services which they rendered to the catholics, were great : they softened the general fierceness of polemic warfare ; their exhortations to the different sects of protestants to abstain from

\* Account of the new sect of Latitude Men, p. 6, 7, 8.

† Vol. xiv. p. 82.

‡ The words of Burnet in the passage referred to before.



mutual crimination, and to respect each other, and their frequent and eloquent advocacy of liberty in matters of religion, had some effect in disposing the public mind to abstain from a wanton execution of the penal laws against any sect of christians, and to extend to all, the benefits of religious toleration.—Of these salutary effects of their writings, the catholics,—though for a long time, indirectly and by slow degrees,—still, in some measure, and to some extent, participated.

Some friends, however, of the established church were alarmed at the liberal and free notions of these moderate divines, as they were generally called. They prognosticated that their systems and writings led to indifference, the greatest enemy of religion, and would insensibly undermine the national creed : they termed it, a philosophical presbyterianism \*.

\* In these sentiments, Dryden makes the hind thus address the panther :—(part iii.)

<p>“ Your sons of latitude, that court your grace,          “ Though much resembling you in form and face,          “ Are far the worst of your pretended race.          “ And,—(but I blush your honesty to blot,)—          “ Pray God you prove them lawfully begot :          “ For in some popish libels I have read,          “ The wolf,”—(<i>the presbyterian</i>,)—“ has been too busy          “ in your bed.”</p>	}
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In an interesting note to this passage, sir Walter Scott mentions some curious particulars of the men of latitude ; he informs us that it was with a view of promoting their views of pacification and comprehension, that Stillingfleet published his celebrated *Irenicum* ; at which, he says, the house of commons took such a fright, that they passed a vote, prohibiting even the introduction of any measure, for such a purpose, into

## LXVIII. 2.

*State of the Catholics under queen Anne.*

THE depression of the catholics continued through the whole of this reign. If the sovereign had consulted her own inclination, she probably would have repealed several of the laws, under which her catholic subjects laboured ; for she must sometimes have reflected on their tried attachment to her family, and their sufferings in its cause : but her particular situation placed this beyond her power, as the slightest step, which she should take towards it, must have had a tendency to reveal the designs, which, in a less or greater degree, she always entertained in favour of the descendants of her dethroned father.

One law \* was passed against the catholics, in her reign : it disabled them from presenting to ecclesiastical benefices, and vested the right of presenting to them in the universities. This, perhaps, is the penal law, of which the catholics have least reason to complain, as it may be alleged that there is an evident incongruity in allowing any denomination of christians to appoint the religious function-parliament. He also mentions the antipathy and opposition of these divines to the church of Rome : it was owing, he says, to their indifference to the rites, feasts, and ascetic observances of that church, which the church of England, though the members of it set no real value upon them, partially adopts, so that they serve for a wall of separation between her and the other protestant churches.

\* 12 Anne.

aries of another : yet it should not be forgotten, that, as the law of England now stands, the unbaptised quaker and even the jew, may present to benefices in her church.

This reign was as little favourable to the protestant dissenters as to the roman-catholics. Some of the former did not object so seriously to receiving the sacrament of our Lord's-supper according to the church of England, as to neglect it, when it was absolutely necessary for qualifying them to hold offices : this was termed Occasional Conformity ; and an act \* was passed to prevent it.—In the last year of the reign of her majesty, a bill was introduced to prevent, as it was termed, the growth of schism, and to impose, for that purpose, some further restraints on nonconformists ; it passed through both houses of parliament, but, in consequence of the decease of the queen, before the day, on which it was to have received the royal assent, never became a law †.

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## CHAP. LXIX.

### ACCESSION OF THE HOUSE OF BRUNSWICK.

1714.

THE English catholics and all the other subjects of the united empire are so greatly interested in the fortunes and fates of this illustrious house, that the

\* 11 Anne.

† Rights of Protestant Dissenters, p. 45.



writer believes the following historical digression, which gives a very succinct account of it, will be generally acceptable to his readers.

It has been said, that not fewer than one thousand works have been written on the genealogy and history of the Guelphs : the points to be particularly attended to, are their Italian origin, German principality, and English monarchy \*.

### LXIX. 1.

#### *Their Italian Descent.*

THE Italian descent of this illustrious family from Azo, who married Cunegunda, the heiress of the Guelphs of Altorp, is unquestionable. With great learning and clearness, Scheidius, in his *Origines Guelphicæ*, has attempted to shew the Guelphic extraction of Azo.

According to him, two brothers, Ethico and Guelph, were princes of the Skyrri, a nation in Holsace, not far from the southern bank of the Eider. The former was a general of Attila's army, and had two sons, Odoacer, who, by his conquest of Italy, put an end to the Roman empire of the west, and Guelph, who settled in the Tyrol.

\* This article is chiefly taken from the *Origines Guelphicæ* of Scheidius, Hanoveræ 1759, et seq. 7 vol. fol. After a fruitless search for it in the London and French markets, the writer was indebted for the loan of an imperfect copy of it to the late earl of Leicester. That a work of such importance to the family history of its sovereign, and by no means rare in Germany, should not be on sale in London, may be thought remarkable.

Odoacer, with Thilanes his only son, were killed in 493. A count of Bavaria, whose name is not known, and who died in 687, was seventh in succession to Guelph. He had issue two sons, Adalbert count of Bavaria, and patriarch of the marquises of Tuscany, and Ruthard, an Alemannian count. Azo was ninth in succession to Adalbert; Cunegunda was heir and ninth in succession to Ruthard. Azo and Cunegunda intermarried about 1050, and thus, if the scheme proposed by Scheidius be relied on, the two branches of the Guelphic stem were re-united after a lapse of three centuries.

A son, called Guelph, was the issue of Azo and Cunegunda. After the decease of Cunegunda, Azo married Gersenda, a daughter of Hugh count of Maine, and had issue by her, a son called Fulk, from whom the dukes of Modena are lineally descended. Guelph, the son of Azo, by Cunegunda, had two sons, Guelph, and Henry the black: the former married the princess Mechtildis, the heiress of the elder branch of the house of Esté, renowned for her celebrated donation to the see of Rome. She died without issue, but her husband retained some part of her hereditary possessions, and died without issue.

## LXIX. 2.

### *Their German Principalities.*

HENRY the black was the founder of the German principalities possessed by his family. He married Wolphildis, the sole heiress of Herman of Billung, the duke of Saxony, and of his possessions on the

Elbe. His son, Henry the proud, married Gertrude, the heiress of the dutchies of Saxony, Brunswick, and Hanover. Thus Henry the proud,

1st. As representing Azo, his great-grandfather,—inherited some part of the Italian possessions of the younger branch of the Estesine family: they chiefly lay on the southern side of the fall of the Po into the Adriatic:

2d. As representing count Boniface, the father of the princess Mechtildis,—he inherited the Italian possessions of the elder branch of the Estesine family: they chiefly lay in Tuscany:—some part of the possessions of the princess Mechtildis also devolved to him:

3d. As representing Cunegunda, his grandmother, he inherited the possessions of the Guelphs at Altorf:

4th. As representing his mother, the sole heiress of Herman of Billung,—he inherited the possessions of the Saxon family on the Elbe:

5th. And through his wife,—he transmitted to his descendants the dutchies of Saxony, Brunswick, and Hanover.

All these possessions descended to Henry the lion, the son of Henry the proud. He added to them Bavaria, on the cession of Henry Jossemargott,—and Lunenburgh and Mecklenburgh by conquest, Thus he became possessed of an extensive territory,—he himself used to describe it in four German verses, which have been thus translated:

HENRY THE LION is my name:  
Through all the earth I spread my fame,  
For, from the Elbe, unto the Rhine,  
From Hartz, unto the sea,—ALL'S MINE.



In other words, his possessions filled a considerable portion of the territory between the Rhine, the Baltic, the Elbe, and the Tyber.

Unfortunately for him, in the quarrels between the pope and the emperor Frederick Barbarossa, he sided with the former. The emperor confiscated his possessions; but returned him his allodial estates in Brunswick, Hanover, and Lunenburgh: he died in 1195. By his first wife, he had no issue male: his second, was Maud, the daughter of Henry II. of England. By her, he had several sons; all of whom died, except William, called of Winchester, from his being born in that city. William of Winchester had issue Otho, called puer, or the boy.

At the decease of Otho the boy, the partition of this illustrious house commences. An outline of it appears in a table, in the writer's History of the Revolutions of the German Empire: it shews the Guelphic genealogy, from the marriage of Azo with Cunegunda to the present time.

The subject of these sheets leads only to the Lunenburgh branches of the Guelphic shoot of the Estesine line.

On the death of Otho the boy, Brunswick and Lunenburgh, the only remains of the splendid possessions of William the proud, were divided between his two sons, John and Albert: Lunenburgh was assigned to the former, Brunswick to the latter: thus the former became the patriarch of, what is called, the old house of Lunenburgh. Otho his son, received Hanover, as a fief from William Sigefred the bishop of Hildesheim. Otho had four sons;

Otho his first son, succeeded him ; and dying without issue, was succeeded by his brother William with-the-large-feet. He died in 1369, without male issue ; the two other sons of Otho the father, also died without male issue.

Thus, there was a general failure of issue male of John, the patriarch of the old house of Lunenburgh. By the influence of the emperor Charles IV, Otho elector of Saxony, who had married Elizabeth, the daughter of William, succeeded to the dutchy. He died without issue, and left it, by his will, to his uncle Wincellaus elector of Saxony. It was contested with him by Torquatus Magnus duke of Saxony :—the contest ended in a compromise ; under which Bernard, the eldest son of Torquatus Magnus, obtained it, and became the patriarch of the middle house of Lunenburgh : he died in 1434. After several descents, it vested in Ernest of Zell :—he introduced the Lutheran religion into his states.

After his decease, his sons Henry and William for some time reigned conjointly ; but William persuaded his brother to content himself with the country of Danneburgh, while he himself reigned over all the rest, and thus became the patriarch of the new house of Brunswick-Lunenburgh.

He left seven sons ; they agreed to cast lots which should marry, and to reign according to their seniority. The lot fell to George, the sixth of the sons : Frederick was the survivor.

On his decease, the dutchy descended to Ernest-Augustus, the son of George, with whom the elec-

toral house of Lunenburgh commences. His reign is remarkable for two circumstances ;—his advancement to the electoral dignity, and the act of the British parliament, which appointed his wife Sophia to be the royal stem of the protestant succession to the throne of Great Britain and Ireland.

## LXIX. 3.

*Their British Monarchy.*

ON the demise of queen Anne, George the son of Sophia, then dutchess dowager of Hanover, succeeded to the British monarchy.

The house of Brunswick-Lunenburgh is now divided into two branches, the German and the English. The former, under the title of Brunswick-Lunenburgh and Wolfenbottel, possesses the dutchies of Brunswick and Wolfenbottel, and the countries of Blanckenburgh and Reinskin, and reckons 160,000 subjects :—the English, under the title of Brunswick-Lunenburgh and Hanover, possesses the electoral dignity, the electorate of Hanover, the dutchies of Lunenburgh, Zell, Calemberg, Grubenhagen, Deepholt, Bentheim, Lawenburgh, Bremen, and Verdun ; and counts 740,000 subjects.

The most remarkable events in the history of the English line of the house of Lunenburgh, are thus summarily mentioned by Mr. Noble, in his *Genealogical History of the present Royal Families of Europe* :

“ Ernest-Augustus, duke of Brunswick-Lunenburgh, married, 1650, to Sophia, grand-daughter



“ of king James I, and daughter of Elizabeth,  
“ princess-royal of Great Britain. By the treaty  
“ of Westphalia he obtained, that one of his family  
“ should be elected bishop of Osnaburgh alternately  
“ with one of the roman-catholic religion; and,  
“ accordingly, upon the death of cardinal Wirtem-  
“ berg in 1668, he became bishop of that see :  
“ in 1692, he was raised to the dignity of elector,  
“ which was to descend to his family ; the office of  
“ great standard-bearer was to have been added to  
“ it by the emperor Leopold, but he was prevented  
“ doing it by the ducal house of Wirtemberg’s pro-  
“ testing against it ; the house of Hanover now is  
“ the only electoral family without an hereditary  
“ office ; but they have assumed that of arch-trea-  
“ surer of the empire. He died at Herenhausen,  
“ February 3, 1698.

“ George-Lewis succeeded his father in the elec-  
“ torate of Hanover and dutchy of Brunswick-Lu-  
“ nenburgh ; and upon the death of his uncle and  
“ father-in-law, George-William, to that of Zell,  
“ and upon that of queen Anne, to the kingdom  
“ of Great Britain : he died suddenly at Osnaburgh, June 11th, 1727. He was one of the  
“ most fortunate princes that has lived in Europe,  
“ which his prudence and valour entitled him to ;  
“ his predilection for Hanover, though natural, was  
“ much disliked by his other subjects.

“ George-Augustus II, created prince of Wales  
“ 1714, succeeded to Great Britain and Hanover,  
“ and died suddenly, October 25, 1760, in the

“ height of glory : he was a just and merciful  
 “ prince, but resembled his father in his too great  
 “ attachment to his electoral dominions.

“ Frederick-Lewis, prince of Wales, came into  
 “ England 1729, died March 20th 1750, univer-  
 “ sally regretted.

“ George III, created prince of Wales 1751,  
 “ succeeded October 25, 1760, crowned September  
 “ 22, 1761, gave peace to Europe 1762, to the  
 “ blessings of which he devoted his reign till it was  
 “ fatally disturbed by the rebellion in America.  
 “ France and Spain having espoused their cause, a  
 “ war was declared against them, and lately his ma-  
 “ jesty found it expedient to commence hostilities  
 “ with Holland, for her perfidious conduct to her  
 “ old ally. His majesty is, in an eminent degree,  
 “ religious, just, and merciful ; his conjugal and  
 “ paternal tenderness ; his taste for and patronage  
 “ of the fine arts, are universally known and ac-  
 “ knowledged.”

#### LXIX. 4.

##### *Miscellaneous Facts relating to the Guelphic Family.*

THE contests between the popes and the emperors, to which we have referred, in a preceding part of this article, divided both Italy and Germany into parties. The Guelphs took part with the former, and were among their greatest supports. One of the most important battles in this conflict, was fought between Guelph, the eighth of that name, and Frederick of Weiflingen duke of Suabia, a

partisan of the emperor;—the opposite shouts of *Hye Guelph! Hye Ghibellin!*—(so the Italians pronounced Weiflingen),—gave those names to the contending parties, through the remainder of the war. Soon afterwards, the town of Urmsberg was besieged by Conrad III. There, the circumstance so agreeably related by the Spectator, really took place: the town being reduced to the last extremities, the emperor announced his design of putting the garrison to the sword, but permitted the women to depart from it, with such of their precious effects as they themselves could carry. The gates were thrown open; and a long procession of matrons, each bearing a husband on her shoulders, appeared, and was permitted to pass in safety through the camp.

To Guelph VIII, Henry the lion, the forfeiture of whose extensive principalities we have mentioned, was grandson. Even after this disaster he was powerful; fought battles and made conquests. In 1172, he undertook a pilgrimage to the Holy Land;—several eminent persons of the clergy and nobility attended him, and his camp was composed of 1,200 knights, or soldiers inured to arms. They passed from Brunswick through Ratisbon to Vienna; there, the duke committed himself, with a select portion of his attendants, to the Danube; but a detachment from his suit, marched on the banks of the river. At Belgrade, he quitted the Danube;—advanced through the morasses of Servia and Bulgaria, to Nissa: not far from it, an ambassador from the Byzantine emperor met him, and accom-



panied him to Constantinople. From Constantinople, the duke and his followers sailed in ships, furnished them by the emperor, to St. John of Acre. Thence, he proceeded to Jerusalem; was respectfully received by the patriarch and the military orders, visited the holy sepulchre, and made large presents to the churches and the knights templars. Then, following the sea coast of Syria, in a northern direction, he reached Tarsus in Cilicia, and crossing Asia Minor, in a central line, again reached Constantinople, and again was hospitably entertained by the emperor. The duke loftily refused some presents of gold and silver, which the emperor offered him, but gracefully accepted from him some costly articles, more valuable for their workmanship than their materials. He brought many relics of the saints from the east; they were destroyed at the reformation, but the cases, in which they existed, are yet shewn.—After an absence of about a twelvemonth, he returned in safety to Brunswick, his capital; and after a further reign of twenty-three years, died in 1195.

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## CHAP. LXX.

GEORGE THE FIRST.

1714.

SEVERAL circumstances render this reign of particular importance in the history of the English catholics: I. We shall briefly state the acts of settlement, under which the illustrious house of

Hanover acceded to the throne of Great Britain : II. Then insert an official document which may be thought to shew the general population of England, and the relative proportions, at a time, not long antecedent, of the protestants of the established church, of the protestant non-conformists, and of the catholics of England : III. Then state the severe penal law against the catholics passed in this reign : IV. And then mention an attempt made in it, to obtain a relaxation of the laws in force against them.

## LXX. 1.

### *Acts of Settlement.*

THE revolution proceeded on the supposed abdication of James II, and the consequential vacancy of the throne. In a full assembly of the lords and commons, who then met in a convention, both houses came to a resolution, that James, “having  
“violated the fundamental laws, and withdrawn him-  
“self out of the kingdom, had abdicated the govern-  
“ment, and that the throne was thereby vacant.

On the 12th of February 1688, they filled up the throne by their declaration\*, that, “William  
“and Mary, prince and princess of Orange, were  
“and should be declared king and queen, to hold  
“the crown and royal dignity during their lives,  
“and the life of the survivor of them ; and that  
“the sole and full exercise of the regal power was  
“only in, and should be executed by the prince of  
“Orange in the names of him and the princess

\* Commons Journals, 12 Feb. 1688.

“ during their lives ; and that, after their deceases,  
 “ the crown and royal dignity should belong to the  
 “ heirs of the body of the princess ; and for default  
 “ of such issue, to the princess Anne of Denmark  
 “ and the heirs of her body ; and for default of such  
 “ issue, to the heirs of the body of the prince of  
 “ Orange.”

Towards the end of the reign of king William, all hopes of issue of any of these princes, expired with the duke of Gloucester.—The parliament therefore, thought it advisable to make a new settlement of the crown. We have noticed the act\* excluding catholics, and persons marrying catholics, from the throne:—The protestant posterity of Charles I. being extinct, the old law of regal descent directed the attention of parliament to the descendants of James, his father. The princess Sophia, the youngest daughter of Elizabeth queen of Bohemia, who was the daughter of James, being the nearest of the ancient blood royal, not incapacitated from the throne by professing the catholic religion, the parliament†, in conformity to their general principle, limited the crown, on failure of issue inheritable to it under the former act, to that princess and to the heirs of her body, being protestants:—it also enacted that, “ whoever should thereafter  
 “ come to the possession of the crown, should join  
 “ in the communion of the church of England by  
 “ law established.”

Thus the settlement of the crown of the united empire, now stands.

\* 1 W. & M. st. 2. c. 2.

† 12 & 13 W. III, c. 8.



## LXX. 2.

*Probable general Population of England, and relative proportion of the Established Church, Protestants Non-conformists and Roman-catholics, about the beginning of the reign of George the first.*

It appears that king William\* once conceived the arduous but salutary project, of reconciling the religious differences in England, and, with that view, endeavoured to ascertain the proportions of the three principal denominations of christians in England.

The following report of them was made to him:— we apprehend that the same relative proportions continued till the accession of George I.

“ The number of Freeholders in England.

	Conformists.	Non-conform <sup>s</sup> .	Papists.
Province of Canterbury - -	2,123,362	93,151	11,878
of York - - - -	353,892	15,525	1,978
In both - -	<u>2,477,254</u>	<u>108,676</u>	<u>13,856</u>
Conformists - - -	2,477,254		
Non-conformists - -	108,676		
		2,585,930	
Papists - - - -		13,856	
In all England -		<u>2,599,786</u>	

According to which account, the proportion of  
 conformists to non-conformists, is - - -  $22\frac{4}{5}$  to one.  
 Conformists to papists, is - - - -  $178\frac{10}{11}$  -  
 Conformists and non-conformists together to  
 papists, is - - - -  $186\frac{2}{3}$  -

† Dalrymple's Mem. 2d ed. vol. ii. app. to part ii. p. 10.

“ Papists in the several provinces above the age  
of sixteen.

Canterbury	-	-	-	-	-	142
London	-	-	-	-	-	2,069
Winchester	-	-	-	-	-	968
Rochester	-	-	-	-	-	64
Norwich	-	-	-	-	-	671
Lincoln	-	-	-	-	-	1,244
Ely	-	-	-	-	-	14
Chichester	-	-	-	-	-	385
Salisbury	-	-	-	-	-	548
Exeter	-	-	-	-	-	298
Bath and Wells	-	-	-	-	-	176
Worcester	-	-	-	-	-	719
Coventry and Litchfield	-	-	-	-	-	1,949
Hereford	-	-	-	-	-	714
Gloucester	-	-	-	-	-	124
Bristol	-	-	-	-	-	199
Peterborough	-	-	-	-	-	163
Oxford	-	-	-	-	-	358
St. David's	-	-	-	-	-	217
Landaff	-	-	-	-	-	551
Bangor	-	-	-	-	-	19
St. Asaph	-	-	-	-	-	275

TOTAL of these - 11,867

“ There are in the province of Canterbury,  
“ 23,740 papists ; half of these is under the age of  
“ sixteen years, viz. 11,870 ; a seventh part of these  
“ are aged and above sixty,—3,391. Taking out of  
“ the said number of papists the two last sums, which  
“ make in all 15,261, there remains then 8,479,  
“ of which the one half is women:—there remains  
“ therefore in the province of Canterbury, fit to  
“ bear arms, 4,239 papists.

“ The province of York bears a sixth part of the

“ taxes, and hath in it a sixth part of the people,  
“ as that of Canterbury hath, viz. 3,956, whereof  
“ half are under the age of sixteen, viz. 1,978 ;  
“ and a seventh part above sixty, viz. 565 ; and of  
“ the aforesaid sixth part one half is women.

“ The total, therefore, of the papists of the pro-  
“ vince of York fit to bear arms, is 701 ; joining  
“ which to the total of the papists in the province  
“ of Canterbury fit to bear arms, makes the total  
“ of the papists throughout all England fit to bear  
“ arms to be 4,940.

“ There being every where as many under the  
“ age of sixteen as above it, the total of the whole  
“ papists, in the whole province is 23,740.”

“ An account of the province of Canterbury.

“ In the taking of these accounts, we find these  
“ things observable :

“ 1. That many left the church upon the late  
“ indulgence, who before did frequent it.

“ 2. The sending for these inquiries, hath caused  
“ many to frequent the church.

“ 3. That they are Walloons chiefly that make  
“ up the number of dissenters in Canterbury, Sand-  
“ wich and Dover.

“ 4. That the presbyterians are divided, some of  
“ them come sometime to church, therefore such  
“ are not wholly dissenters upon the third inquiry.

“ 5. A considerable part of dissenters are not of  
“ any sect whatsoever.

“ 6. Of those that come to church, very many  
“ do not receive the sacrament.



“ 7. At Ashford and at other places, we find a new sort of heretics, after the name of Muggleton, a London taylor, in number thirty.

“ 8. The rest of the dissenters are presbyterians, anabaptists, independents, quakers, about equal numbers, only two or three called self-willers professedly.

“ 9. The heads and preachers of the several factions, are such as had a great share in the late rebellion.”

### LXX. 3.

*Acts passed against the Roman-catholics during the reign of George the first.*

III. 1. THE first of these acts\*, was most dreadful: it prescribed an oath of allegiance, an oath of supremacy, and an oath for abjuring the Stuart family. These oaths were required to be taken by all persons holding civil or military offices; or any fee or wages by patent or grant from his majesty; or in his navy, or of his household; by all ecclesiastical persons, members of colleges, teachers, preachers, serjeants at law, counsellors, barristers, advocates, attornies and notaries, and by various other persons:—the neglect or refusal to take these oaths incapacitated the parties from holding any office or employment, or receiving fee or wages, from his majesty.

Thus far the enactment was sufficiently severe:—but it proceeded to authorize any two justices to tender the oaths to any person disaffected to govern-

\* 1 Geo. I, st. 2, ch. 13.

ment ; and, on his refusal of them, directed, that he should be considered as legally convicted of popish recusancy, and subject to all its penalties and disabilities.

This was termed Constructive Recusancy : it was not the offence itself of recusancy, which, as we have already observed, consisted merely in the party's absenting himself from church ; it was the offence of not taking the oath of supremacy, and the other oaths, prescribed by the act of which we are speaking ; the refusal of which was, by that statute, placed on the same footing, as a legal conviction on the statutes of recusancy ; and subjected the party refusing, to the penalties of those statutes.

Of all the laws passed against the catholics, after the revolution, this was the most severely felt by them. The punishment of recusancy was penal in the extreme ; and the persons, objecting to the oath in question, might be subjected to all the penalties of it, merely by refusing the oaths when they were tendered to them. It added to the grievous operation of these laws, that the oaths might be tendered, at the mere will of two justices of peace, without any previous information, or complaint, before a magistrate, or any other person. Thus it had a silent, but a dreadful operation : it left catholics at the mercy of every one, who wished to injure, or insult them. Frequently, they were withheld by it from asserting the rights, which the law had left them : and even from urging pretensions, which were not subjects of legal cognizance. It

depressed them so much below their legitimate rank in society, that they hardly entered, with the look, or attitude of freemen, into the meetings of their protestant neighbours.

III. 2. By statutes passed annually throughout this reign, the catholics were subjected to the payment of double the amount of the land-tax, which they would have otherwise paid.

III. 3. Two statutes passed in this reign imposed on the catholics the unpleasant and humiliating necessity of making public all the circumstances of their landed property, and their dealings with it:—the first\* obliged them to register their names and estates,—the second† obliged them to enrol their deeds and wills,—under heavy penalties.

III. 4. The discontented of every party, civil or religious, engaged in the rebellion, rashly concerted in the year 1715, to restore the pretender. It was visited‡ on the catholics at first exclusively, but afterwards on the general body of the nonjurors, by a pecuniary mulct of 100,000*l.*—Mr. Coxe gives, in his able *Life of sir Robert Walpole* §, the following interesting account of this circumstance.

“ In November 1722, Walpole introduced a bill  
“ for raising 100,000*l.* by laying a tax on the  
“ estates of papists, which was afterwards extended  
“ to all nonjurors. The liberal spirit of the present  
“ age, condemns a measure, which tended to in-  
“ crease the disaffection of a large body of subjects;

\* 1 Geo. I, c. 53.

† 3 Geo. I, c. 18.

‡ 9 Geo. I, c. 18; 13 Geo. I, c. 28.

§ Vol. i. p. 305.



“ and which the arguments, advanced by the minis-  
“ ter in its favour, were calculated only to palliate,  
“ but could not justify. For, on being urged by  
“ several members, and particularly by Onslow,  
“ who declared his abhorrence of persecuting any  
“ set of men, because of their religious opinions,  
“ Walpole represented ‘ the great dangers incurred  
“ by this nation, since the reformation, from the  
“ constant endeavours of papists to subvert our  
“ happy constitution, and the protestant religion,  
“ by the most cruel, violent, and unjustifiable me-  
“ thods; that he would not take upon him to charge  
“ any particular person among them with being  
“ concerned in this horrid conspiracy: that it was  
“ notorious, that many of them had been engaged  
“ in the Preston rebellion; and some were executed  
“ for it; and that the present plot was contrived  
“ at Rome; and countenanced in popish countries;  
“ that many of the papists were, not only well-  
“ wishers to it, but had contributed large sums for  
“ so nefarious a purpose; and, therefore, he thought  
“ it but reasonable, they should bear an extraordi-  
“ nary share of the expenses, to which they had  
“ subjected the nation.’ Whatever opinions may  
“ be formed of this measure, according to the strict  
“ rules of theoretical justice, the policy was unques-  
“ tionable. This instance of rigour effectually dis-  
“ couraged the catholics from continuing their at-  
“ tempts against the government, and operated as  
“ a constant check on the turbulent spirit of the  
“ nonjurors.”

## LXX. 4.

*Negotiation for obtaining a partial Repeal of the Penal Laws.*

THE imputed attachment of his majesty's roman-catholic subjects to the exiled family, raised a new obstacle to their hopes of relief: all, it is probable, would have signed an explicit declaration, that they would do no act that should offend or disturb, in any manner, his majesty's person or government; but the profession of allegiance, which was required from them, seemed to recognize the theoretical justice of his majesty's possession of the throne;—and to this, not catholics alone, but a considerable portion of the protestant part of the kingdom, at this time conscientiously objected.

At the time, of which we are now speaking, these scruples, however honourable to those, who entertained them, on account of the conscientious feelings which gave rise to them, were evidently ill-founded. The rights and duties of protection and allegiance are correlative: no one is entitled to the allegiance of a person, whom he wants either power or will to protect. Most frequently it is difficult to determine the precise moment, at which a monarch, once legally possessed of this power and this will, is so completely dispossessed of them, as to forfeit his right to the allegiance of his subjects: but, after some lapse of time, a period usually arrives, when, in consequence of the general submis-

sion of the people, the acquiescence of foreign states, and the annihilation of the power and resources of the discarded monarch, it becomes evident that he no longer possesses any probable means of restoring himself to his former sway.—The power of protection then ceasing, the duty of allegiance ceases with it, and the new order of things is, for every practical purpose, legitimated.—On this ground pope Zachary crowned Charlemagne,—a successor of Zachary acknowledged Hugh Capet,—and the present pope submitted to Buonaparte, assisted at his coronation, and blessed him and his empress. This was at no remoter period than eleven years, after the expulsion of the Bourbons\* : but, almost three times the same number of years, had, at the time of which we are now speaking, elapsed subsequently to the revolution of 1688.—On this ground, all catholics of information and judgment perceived, that the dynasty of the Stuarts had no longer any claim to their allegiance or political attachment ; and that the adopted monarch had a perfect title to the allegiance of every Englishman, and might justly claim a profession of it, and a rejection of all political connection with foreigners.

It happened that, at this time, doctor Strickland the bishop of Namur† was in London, he was per-

\* The reader is invited to read what is said on this subject by the writer in his *Revolutions of the German Empire*, note i. and ii.

† This gentleman was an adherent of the pretender, and had been promoted, by his interest, to the abbey of St. Pierre de Prou, in Normandy. During the quarrel between the



sonally known to George I, and greatly esteemed both by him and his favourites. After conferring with them, he drew up certain requisitions, intending to submit them to the principal catholics, and to procure their acquiescence.—We shall transcribe them, and two letters of Mr. secretary Craggs, giving an account of the result of the negotiation:—after much inquiry we can procure no further information respecting it.

### “ Requisition.

“ In order to put the roman-catholics in a way of  
 “ deserving some share in the mercy and protec-  
 “ tion of the government, ’tis required that some of  
 “ the most considerable among ’em depute a proper  
 “ person with a letter to the pope, to inform him,  
 “ that whereas they must otherwise be utterly  
 “ ruined, they may yet obtain some liberty and  
 “ security for their religion upon four conditions, all

emperor and George I, in 1726, he maintained a correspondence with the leading members of the opposition to sir Robert Walpole. These, in conformity with the emperor’s wishes, unwisely strove to engage Great Britain in a war with France. By their interest, Strickland was made bishop of Namur, and the emperor sent him on a private mission to the English monarch, with credential letters, and various documents justifying his own measures and views, and criminating those of sir Robert Walpole. The bishop arrived in London under a feigned name, was graciously received by the king and the queen, and had many conferences with lord Harrington, a leading member in the opposition cabinet. But the minister was soon informed of the negotiation, and frustrated the attempt. Strickland was soon after civilly dismissed. “ Cox’s History of the House of Austria,” vol. ii. p. 145.

“ in his own power, and all evidently consistent with  
 “ roman-catholic principles.

1. “ ’Tis required he order his former decree \*  
 “ about the oath of allegiance, now dormant in the  
 “ hands of his internuncio at Brussels, to be published  
 “ and executed by proper delegates, and in the most  
 “ effectual manner, for the information of the people.

2. “ That he take away the name and office of  
 “ protector of England from cardinal Gualterio  
 “ the pretender’s public and declared agent, and  
 “ confer the same upon some other, no ways engaged  
 “ in any factions or obnoxious to this government.

3. “ That he revoke the indult granted to the  
 “ pretender for the nomination of the Irish bishop-  
 “ rics, and solemnly promise the emperor to govern  
 “ these missions without any communication direct  
 “ or indirect with the pretender or regard to his  
 “ interests.

4. “ That any person employed in these missions  
 “ shall be revoked or called away *bonâ fide* by his  
 “ respective superiors, upon intimation of any of-  
 “ fence by him given to the government.—As the  
 “ emperor has engaged to bring the pope to these  
 “ terms, it will be necessary to send also to him with  
 “ a letter to desire his mediation in this affair.”—

“ It will be sufficient these letters be subscribed  
 “ by the duke of Norfolk, lord Stafford, lord Mon-  
 “ tagu, lord Walgrave for the nobility, and by sir  
 “ John Webbe, Mr. Charles Howard, Mr. Stonor,  
 “ and Mr. Arundell Bealing for the gentry.

“ As any delays or tergiversations in coming into  
 “ these measures, can never be coloured with any

\* Of this decree, the writer can learn nothing.

“pretence of religion or conscience, so if any should  
“be made by persons obstinately disaffected, the  
“government would then have no means left to  
“secure the peace of the kingdom, but in the real  
“and full execution of the penal laws, and more  
“particularly of the act for transferring the right  
“of succession to the next protestant heir, upon the  
“immediate heir, not conforming at the age of  
“eighteen; and of the late register act, for taking  
“away the two thirds. But ’tis hoped that the  
“roman-catholics, by a ready concurrence in what  
“is equally their duty and their interest, will make  
“it practicable for a mild government to treat ’em  
“with moderation and lenity, if they endeavour to  
“deserve it as well as other dissenters.”

“My lord,           “Whitehall, 30 June 1719.

“This private letter is to inform your lordship  
“that doctor Strickland arrived here some days  
“ago, during which time he bent all his thoughts  
“upon the matter which your lordship knows he  
“had in hand. He came to me with a paper,  
“whereof the inclosed is a copy, which he thought  
“was digested into the properest manner, to be  
“shewn to the roman-catholics therein mentioned.  
“At his request and persuasion I carried a copy of  
“that paper, not signed, to a meeting, where the  
“duke of Norfolk, lord Walgrave and Mr. Charles  
“Howard assisted.

“After having discoursed with those gentlemen  
“upon the contents of it, I found the two noblemen  
“inclinable to come into the proposal therein made;



“ and though Mr. Howard shewed an unwillingness,  
“ yet I came away with hopes that the affair would  
“ be done in the manner proposed: and the doctor  
“ believed no less, for it went so far, that they even  
“ desired him to prepare the two letters to the  
“ emperor and the pope. This happened three  
“ days ago.

“ But since that time, I understand those gentle-  
“ men have had several consultations, and by their  
“ behaviour begin to shew a coolness, as if they  
“ would depart from what they had appeared ready  
“ to subscribe to; that they have behaved themselves  
“ with reservedness to the doctor, and have not sent,  
“ as they said they would, for Mr. Stonor, the best  
“ intentioned of them all, to consult him. The  
“ doctor expects to be told this night the result of  
“ their deliberations, which he believes, after all the  
“ hopes he had conceived, will end in an absolute  
“ refusal, of what has been proposed, or at least of  
“ some part of it. This alteration, if it prove to be  
“ so, he imputes to the insurmountable resistance  
“ of Mr. Charles Howard, and perhaps to the en-  
“ couragement of some tories, who were possibly  
“ consulted on this occasion. However the success  
“ of that affair is like to be, I thought proper to ac-  
“ quaint your lordship wholly with it and whatever  
“ comes of it hereafter. I shall then also let your  
“ lordship know it. I should have added, that the  
“ doctor seems so piqued at this usage, and so  
“ heartily in the business, that in case the gentle-  
“ men come to the resolution he apprehends, he  
“ would be for taking up immediately bishop

“ Gifford, Mr. Grey (the true earl of Shrewsbury  
“ who enjoys the estate, though another possess the  
“ title), and some other heads of that set of people,  
“ and by that glaring instance exert a power which  
“ may effectually and quickly terrify them into a  
“ compliance.—I am with great respect, my lord,  
“ your lordship’s most obedient humble servant,  
“ R. H. Earl Stanhope.” “ *J. Craggs.*”

“ It is now past ten o’clock at night when I re-  
“ ceived this news so different from what I write  
“ you in my private letter of this date. *J. C.*”

“ Sir,

July 1, 1719.

“ In pursuance of the directions you left with  
“ me when I had the honour of seeing you at  
“ Mr. Strickland’s, I shewed the paper you gave me  
“ to those of the gentlemen named in it that were  
“ in town. The shortness of the time in which we  
“ were to give our answer, and the secrecy you en-  
“ joined in the affair, has put us under very great  
“ difficulties. We were all very unwilling to let  
“ any opportunity slip in which we might shew our  
“ readiness in coming into any thing that would  
“ shew our good intentions ; but being but four of  
“ those named in the paper, could not venture to  
“ answer for the other four, whose signing was re-  
“ quired ; much less to engage for so many others  
“ that are not in town, and if they were could not  
“ be consulted. This being the chief difficulty, at  
“ present it will be needless to trouble you with the  
“ objections made to some of the articles, particu-

“ larly that of application to foreign powers, and  
 “ we would much rather owe, whatever favours we  
 “ receive, to your generous disposition, than to any  
 “ other solicitation whatsoever ; and we cannot but  
 “ flatter ourselves, that when more of the parties  
 “ concerned are in town, you will retain the same  
 “ favourable intentions towards us you were so good  
 “ as to own ; and I am bold to say for my own  
 “ part, and I believe may answer not only for those  
 “ I have spoken to, but even for numbers, that when-  
 “ ever time gives us an opportunity to meet, and  
 “ you leave to acquaint them, you will find so suit-  
 “ able and unanimous a disposition in them to re-  
 “ ceive the favourable and generous indulgence you  
 “ are pleased to offer : for my own part, I cannot  
 “ but conceive great hopes of success in this affair,  
 “ since it is undertaken by so generous a person as  
 “ yourself, for the relief of so many distressed  
 “ people, and which shall always be remembered as  
 “ the greatest obligation done to, sir,

“ Your most obedient humble servant,

“ Mr. Secretary Craggs.”

“ *Norfolk.*”

“ The paper you gave me I left with Mr. Strickland.”

“ My lord,

Whitehall, 7th July 1719.

“ I promised your lordship in one of my private  
 “ letters of the 30th past, that whatever became of  
 “ the affair relating to roman-catholics, I would give  
 “ you an account of it. It happened as I did then  
 “ imagine it would, that the duke of Norfolk and  
 “ lord Walgrave were overswayed by Charles



“ Howard, who continued obstinate to the last, and  
“ that from a mere spirit of opposition, for Strick-  
“ land says his intentions at bottom are otherwise  
“ good, but he is a wrong-headed fellow and spoiled  
“ all. However, I afterwards met with lord Wal-  
“ grave, who began to excuse himself upon what had  
“ passed, and would have proposed some other ex-  
“ pedients to me upon the affair; but I shewed an  
“ indifference, and told him that if he had anything  
“ to say, he must consult doctor Strickland, for I  
“ would meddle no more in it. They had affected  
“ to be reserved towards the doctor in all their  
“ deliberations, but this answer made them alter  
“ their course; they went to his house; where they  
“ gave their reasons of fear, conscience, honour, &c.  
“ all which the doctor combated strenuously, and  
“ at last convinced them of the necessity of signing  
“ the two letters, which they agreed to, and desired  
“ him to draw them up immediately and they would  
“ come in the afternoon to sign them. The letters  
“ being prepared, they came according to appoint-  
“ ment, but their resolutions changed. Charles  
“ Howard and the duke withdrew several times  
“ into the back room to consult, where no doubt the  
“ former got the better again of the latter, for they  
“ determined at last not to sign, and so left the  
“ doctor. The duke went immediately afterwards  
“ out of town, but first sent me a letter of which I  
“ inclose a copy: that will best shew your lordship  
“ what he had to say for himself, and the copy of  
“ mine, also inclosed, what answer I made him upon  
“ it. The matter being thus broke off, I have deter-

“ mined to put the thing in execution which I said  
“ in my former letter I intended in that case, by  
“ tendering the oaths to Howard and seizing bishop  
“ Gifford and Grey (the earl of Shrewsbury). But  
“ because this proceeding is chiefly with a view to  
“ make them squeak, I would contrive to do it in  
“ such a manner as not to put them out of my power,  
“ by over acting it, into that of the law. For which  
“ end I have desired Delafaye to pick out a couple  
“ of discreet justices of peace of his acquaintance,  
“ that will, as of themselves, take up Howard and  
“ Gifford, and afterwards do just what Delafaye  
“ shall bid them, without carrying their zeal too far.  
“ And as for Grey, I think some trusty and under-  
“ standing messenger must be sent to manage him,  
“ for he is seventeen miles off. Strickland persuades  
“ this method will have its effect, and make them  
“ ready to sign even stronger letters than those  
“ already proposed to them; and as they know the  
“ doctor intends very shortly for France, and that  
“ they are allowed no other conferant but him, it  
“ may be expected we shall quickly know what they  
“ will do.

“ I take this occasion to send your lordship a  
“ private letter from the duke of Bolton to me, which  
“ was omitted in my last, and likewise another I  
“ received last night, which will shew your lordship  
“ what temper Ireland is in upon the opening of  
“ that parliament.—I am, my lord, your lordship’s  
“ most obedient and most humble servant,

“ R. H. Earl Stanhope.”

“ J. Craggs.”

## CHAP. LXXI.

GEORGE II.

1727.

## THE CONDITION OF THE ENGLISH ROMAN-CATHOLICS DURING HIS REIGN.

OUR subject now leads us, I. To mention in a few words the state of the catholics at this period: II. We shall then notice the contests between the high church and the low church, and the consequences favourable to the catholics, with which they were attended: III. Some acts in favour of the protestant dissenters. IV. The dispute occasioned by the work of doctor Courayer on the validity of the ordinations of the English protestant clergy: V. And the correspondence between archbishop Wake and doctor Du Pin for the re-union of the roman-catholic and the English churches.

## LXXI. 1.

*General State of the English Catholics during this reign.*

THE reign of George II. is remarkable for its being the first after the reformation, in which no new law was enacted against the roman-catholics.

This circumstance does the monarch and his government the greater honour, as the rebellion in 1745, in which several roman-catholics were



engaged, furnished the enemies of their religion with a pretence for calling down upon them a severe execution of the existing code, and even an extension of its severities. Better councils prevailed : the whole penal code was continued in force ; but the instances, in which it was put into activity, were not very numerous. When they occurred, they were produced either by the mischievous activity or the selfish feeling of individuals ;—but were very seldom, if ever, countenanced by the government.—Some freedom was allowed to the catholics in the exercise of their religion : still, through the whole of this reign, the catholics were molested by informers, their lands were doubly taxed, their enjoyment of them was insecure, sometimes they were wrested from them by a protestant next of kin ; and, what was a dreadful calamity, they continued subject to the constructive recusancy mentioned in the preceding chapter, and to all its terrors.

In 1729, the second year of this reign, Matthew Atkinson, a missionary priest, died in Hurst castle, after an imprisonment in it during thirty years, for the exercise of his religious functions.

## LXXI. 2.

*Contest between the High Church and Low Church ;—  
Progress of religious Toleration.*

THE latitudinarian divines have been mentioned : the spirit of religious liberty, by which they were animated, was spread by their writings over the

nation; it reached the continent, and often returned from it, enriched and invigorated.

We must however observe, with Mr. Gibbon \*, that three writers, by whom the rights of toleration were nobly defended, Boyle, Leibniz, and Locke, were laymen and philosophers;—they had been preceded by Grotius; but, by a strange inconsistency, while that great man condemned the tribunal of the inquisition, he approved the imperial law of persecution †. Locke's "Letters on Toleration," exhausted the subject: they are unanswered and unanswerable, and seem to have set the question for ever at rest. The principles of the revolution embodied both the friends of civil and the friends of religious liberty, and united them in the general cause. We have mentioned the opposition between the political principles of the latitudinarian and nonjuring divines: each soon received a new religious appellation. Before this time, the advocates for the lawfulness of resistance to government had been called whigs, the opposers of this doctrine had been called tories; the latitudinarians joined the former, the nonjurors the latter; and, so far as politics were concerned, received their respective denominations. But their different opinions in religious matters, particularly on the authority of the church and her dependance on the civil magistrates,—which dependance the former denied, the latter asserted,—introduced a new distinction; the advocates for its dependance, were called the low church; the

\* Ch. liv. note 39.

† De rebus Belgicis Annal. l. i. p. 13, 14. 12mo.

advocates for its independance, were called the high church. For a time, the distinction was strongly marked;—by degrees, the nonjurors disappeared, but the whig divines,—whigs both in politics and divinity,—filled their camp, and perpetuated in the church, both their own civil and their own religious principles. Liberty was their constant theme: they proved by arguments, which could neither be answered nor evaded, that liberty of belief in religious concerns was, in respect to the civil magistrate, a common benefit, an unquestionable and undeniable right. They excluded the catholics alone from it:—But they candidly and unequivocally admitted that one reason only,—“ the supposed “ enmity of the catholics to civil government, as then “ settled in the land \*,”—justified the exclusion.

The advantages, which the catholics derived from this concession, were incalculable.—So far as respected their title to a participation in the blessings of the constitution, all questions respecting their religious tenets became unnecessary; as, to prove their title to be delivered from the penal laws, and to be placed on an equality of civil right with their fellow subjects, nothing could now be required of them, but to shew, that they equalled them in loyalty to their king, affection to their fellow subjects, and attachment to the constitution.

Doctor Hoadley, bishop, first of Bangor and afterwards of Winchester, was at the head of the whig divines; and, under his auspices, after a contro-

• Hoadley's Common Rights of Subjects.



versy of more than twenty years, to which the prelate's first see gave the name of the Bangorian controversy, the doctrines of the whig divines both on civil and religious liberty obtained a complete triumph:—the principle of the revolution was received by the protestant church, and its religious creed was reduced to two articles,—one, that a christian acknowledges no law but the scripture, no interpreter of it but his own conscience;—the other, that the magistrate should regulate the rest, and that confessions and formularies of faith should be considered as edicts of the state, not, as articles of doctrine; and may be subscribed without assent or belief, as mere terms of civil concord.

Some serious protestants, however, were alarmed at this scanty creed: they observed its discrepancy from the creeds of the first reformers, and trembled for the consequences.—The catholic smiled at the controversy, and claimed, for his church, that right of interpreting the scriptures, which each individual protestant claims for himself.

## LXXI. 3.

*Acts in favour of the Protestant Dissenters.*

THE general rejection of the doctrine of passive obedience, was one of the greatest achievements of bishop Hoadley.

“Passive obedience,” says Mr. Hume\*, “is expressly and zealously inculcated in the homilies†,

\* Hist. vol. viii. note (R.) p. 161.

† Homil. x. 28.

“ composed and published by authority in the reign  
 “ of queen Elizabeth.” The corporation act\* pre-  
 scribed, that all magistrates should testify both their  
 belief that it was not lawful, upon any pretence  
 whatever, to resist the king, and their abhorrence  
 of the traitorous position of taking arms, by the  
 king’s authority, against his person, or against those  
 who were commissioned by him.—The decree of  
 the university of Oxford, passed in convocation,  
 in 1683†, mentions among—“ damnable doctrines,  
 “ destructive to the sacred persons of princes, their  
 “ state and government, and all human society,”—  
 the positions, that “ all civil authority is derived  
 “ originally from the people ;”—and that, “ there  
 “ is no obligation upon christians to passive obe-  
 “ dience, when the prince commands any thing  
 “ against the laws of our country.” In a similar  
 strain, the address of the university of Cambridge‡,  
 presented, about the same time, to Charles II, declares,  
 that “ no earthly power, no means or misery, should  
 “ ever be able to make them renounce or forget  
 “ their duty ; that they would still believe and main-  
 “ tain, that our princes derive not their title from  
 “ the people, but from God ; that to him only,  
 “ they are accountable ; that it belongs not to sub-  
 “ jects either to create or censure, but to honour  
 “ and obey their sovereign, who comes to be so, by  
 “ a fundamental hereditary right of succession,  
 “ which no religion, no law, no fault or forfeiture  
 “ can alter or diminish.”

\* 13 Car. II.

† Coll. Hist. vol. ii. 902.

‡ Ib. 903.

Counterpositions were maintained by Hoadley,—and we have mentioned his triumph. In consequence of it, by an act of the 5th of George I, the clause, in the corporation act, which asserts the doctrine of non-resistance, was repealed.

In 1736, an act of indemnity mitigated the effect of the test act, by giving time to persons to qualify themselves to hold offices under the provisions of that act, till the 1st of August in that year.—An indemnity act, passed in 1743, was more comprehensive, as it mitigated the effect both of the corporation and the test acts. From that period, to the present time, similar acts of indemnity have been passed annually as a matter of course, and they extend to both the restrictive acts.—By this annual act, after mentioning the corporation and test acts, it is provided, that persons, who, before the passing of it, have omitted to qualify themselves in the manner prescribed by those acts, shall, if they properly qualify themselves for them, before the 25th of the ensuing December, be indemnified against all penalties, forfeitures, incapacities and disabilities; and their elections and the acts done by them are declared to be valid.—The act expresses nothing, which excludes roman-catholics from the benefit of its provisions.—Considering the annual indemnity act as a matter of course, which it evidently is, the protestant dissenters are thus virtually exempted from the corporation and test acts; and as they have no objection to the oath of supremacy, they are not affected by the act of 1 George I, which requires, as we have mentioned, all persons, bearing offices



civil or military, or holding command or place of trust, or receiving pay or wages under any patent or grant from his majesty, to take the oath of supremacy under a penalty of 500*l.* and under other penalties. But the conscientious scruples of catholics to take this oath, continued to subject them, though they are relieved by the annual act of indemnity from the corporation and test acts, to the act of George I, and its disqualifications.

## LXXI. 4.

*Doctor Courayer.*

SOON after the reformation was established in England by queen Elizabeth, a controversy arose on the validity of the ordinations of the clergy of the church of England. Dodd gives, in his *Church History*\*, a full view of the principal facts and arguments produced by the writers on each side. The controversy was renewed by Mr. Thomas Ward in 1719: a work†, written by him on this subject was much read, and produced several answers. Some publications on the same subject,—as the “*Mémoires sur la validité des Ordinations des Anglois*,” of the abbé Renaudot,—appeared on the continent. They attracted the attention of Peter Francis Courayer, a canon regular of St. G  n  vi  ve at Paris. In the disputes on jansenism he had taken an active part, and was among those, who appealed from

\* Vol. ii. p. 269, et seq.

† “The Controversy of Ordination truly stated.” 8vo.

the bull *Unigenitus*. In 1723, he published his “*Dissertation sur la validité des Ordinations des Anglois, et sur la Succession des Evêques de l’Eglise Anglicane*,”—which was immediately translated into English.—Replies to it were published by the abbé Gervaise, Mr. Fennel, and the fathers Hardouin and le Quien of the society of Jesus: that, of father le Quien, was considered to be the most ably written. Father Courayer published a defence of his work in 1726. The university of Oxford presented him with a diploma, conferring upon him the degree of doctor of laws.

Understanding that his liberty was in danger, he took refuge in England, and was kindly received by doctor Wake, then archbishop of Canterbury, and by doctor Sherlock, bishop of London: a pension was settled upon him. His work was censured in France, first, by the cardinal de Noailles; then, by two different assemblies of bishops, one at Paris, another at Embrun; and finally, by a bull of pope Benedict XIV. As a reply to these, he published his “*Relation historique et apologetique des Sentimens et de la Conduite du père le Courayer, chanoine regulier de Ste. Généviève*.”—He afterwards published French translations, with notes, of “*Father Paul’s History of the Council of Trent*,” and Sleidan’s “*History of the Reformation*.” He died in 1776, at the advanced age of ninety-five, retaining to the last his mental faculties. He was well received at the court of George II, and particularly noticed by queen Caroline and princess Amelia. Having lived in intimacy with many persons

of distinction, both in France and England, and being possessed of extensive literary information, his conversation was singularly pleasing and instructive. He always professed himself to be a sincere member of the roman-catholic religion, and attended mass regularly on Sundays and holidays when his health permitted, and an opportunity of doing it offered; but, when this was not the case, he attended the service of the parish church\*.

After the decease of le Courayer, doctor Bell, prebendary of Westminster, published his "Last Sentiments," under the title of "Déclaration de mesderniers Sentimens sur les différens Dogmes de la Religion, par feu Pierre-François le Courayer." The manuscript of it had been given by him to princess Amelia about nine years before his death. He professes in it, to die a member of the roman-catholic church; but the contents of it make it evident that he could not be accounted a member of that, or any other established church. In 1814, a more full exposition of his religious sentiments, intituled, "Traité, où l'on expose ce que l'Ecriture nous apprend de la Divinité de Jésus Christ," was published by doctor Bell. From these works, the general laxity of the opinions of pere le Courayer on religious subjects clearly appears.

\* On the controversy occasioned by doctor Courayer, a work published on the continent, "Commentatio Historico-Theologica de Consecratione Anglorum Episcoporum, ab Olao Kiorningio, Helmstadii, 1739, 4to.," may be usefully consulted.



## LXXI. 5.

*Correspondence between archbishop Wake and doctor Dupin, for the Re-union of the Church of Rome and the Church of England.*

A VIEW of the fatal effects, which religious animosity has produced in the christian world, has often made wise and considerate men endeavour to re-unite all denominations of christians in one religion\*.

Of all protestant churches, the national church of England most nearly resembles the church of Rome. It has retained much of the dogma, and much of the discipline of roman-catholics; it preserves down to the subdeacon, the whole of their hierarchy; and, like them, has its deans, rural deans, chapters, prebends, archdeacons, rectors and vicars; a liturgy, taken in a great measure from the roman-catholic liturgy; and composed, like that, of psalms, canticles, the three creeds, litanies, epistles, gospels, prayers and responses. Both churches have the sacraments of baptism and the eucharist, the absolution of the sick, the burial service, the sign of the cross in baptism, the reservation of confirmation and order to bishops, the difference of episcopal and sacerdotal dress, feasts and fasts. Without adopting

\* An account of the principal attempts of this nature is given by the writer in his "Essay on the Re-union of Christians," printed at the end of his Historical and Literary Account of Formularies, Confessions of Faith, and Symbolic Books, 8vo.

all the general councils of the church of Rome, the church of England has adopted the first four of them ; and, without acknowledging the authority of the other councils, or the authority of the early fathers, the English divines of the established church allow them to be entitled to a high degree of respect. On the important article of the eucharist, the language of the thirty-nine articles sounds very like the doctrine of the church of Rome.—Add to this, that of all protestant churches, the church of England alone is, in the true sense of the word, episcopal.

At the time, of which we are speaking, the doctrines of the high church, which are generally considered to incline to those of the roman-catholics more than the doctrines of the low church, were in favour with several great dignitaries of the established church of England ; and in France, where the ultramontane principles on the power of the pope had always been discountenanced, the disputes of jansenism were supposed to reduce it very low. On each side, therefore, the time was thought favourable to the project of the re-union.

It was also favourable to it, that, a few years before this period, an event had taken place, which naturally tended to put both sides into good humour.

On the occasion of the marriage of the princess Christina of Wolfenbuttel, a lutheran,—with the archduke of Austria, her court consulted the faculty of theology of the university of Helmstadt on the question, “whether a protestant princess,—destined  
“ to marry a catholic prince, could, without wound-

“ing her conscience, embrace the roman-catholic religion?” The faculty replied, “that, it could not answer the proposed question in a solid manner, without having previously decided, whether the catholics were or were not engaged in errors that were fundamental, and opposed to salvation; or, (which was the same thing), whether the state of the catholic church was such, that persons might practise in it the true worship of God, and arrive at salvation.” This question, the divines of Helmstadt discussed at length; and concluded in these terms: “After having shewn, that the foundation of religion subsists in the roman-catholic religion, so that a person may be orthodox in it, live well in it, die well in it, and obtain salvation in it, the discussion of the proposed question is easy. We are, therefore, of opinion, that the most serene princess of Wolfenbittel, may, in favour of her marriage, embrace the catholic religion.” This opinion is dated the 28th of April 1707, and was printed in the same year at Cologne. The journalists of Trevoux inserted both the original and a French translation of it in their journal of May 1708.

Under these circumstances, the correspondence in question took place. It began in 1718, through doctor Beauvoir, chaplain to Lord Stair, his Britannic majesty’s ambassador at Paris. Some conversation on the re-union of the two churches having taken place between doctor Dupin and him, he acquainted the archbishop of Canterbury with the subject of them. This communication produced



some compliments from the archbishop to doctor Dupin, and these led the latter to address to his grace a letter, in which he mentioned generally, that, on some points in dispute, the supposed difference between the two communions was reconcilable. The correspondence getting wind, doctor Piers pronounced a discourse in the Sorbonne, in which he earnestly exhorted his colleagues to promote the re-union, by revising those articles of doctrine and discipline, which protestants branded with the name of papal tyranny; and contended, that by proscribing the ultramontane doctrines, the first step to the re-union would be made. The discourse was communicated to doctor Wake: in his answer, he pressed doctor Dupin for a more explicit declaration on the leading points in controversy.

In compliance with this requisition, doctor Dupin drew up his *Commonitorium*, and communicated it to several persons of distinction, both in the state and church of France. He discussed in it the thirty-nine articles, as they regarded doctrine, morality and discipline. He insisted on the necessity of tradition, to interpret the scriptures, and to establish the canonicity of the books of the Old and New Testament. He insisted on the infallibility of the church in faith and morals; he contended that the sacrifice of the mass was not a simple sacrament, but a continuation of the sacrifice of the cross.

The word transubstantiation, he seemed willing to give up, if the roman-catholic doctrine, intended to be expressed by it, were retained. He proposed, that communion under both kinds, or under bread

alone, should be left to the discretion of the different churches, and consented that persons in holy orders should retain their state, with such provisions as would place the validity of their ordination beyond exception. The marriage of priests in the countries, in which such marriages were allowed, and the recitation of the divine service in the vulgar tongue, he allowed ; and intimated that no difficulty would be found in the ultimate settlement of the doctrine respecting purgatory, indulgences, the veneration of saints, relics or images. He seems to have thought that the pope can exercise no immediate jurisdiction within the dioceses of bishops, and that his primacy invested him with no more than a general conservation of the deposit of the faith, a right to enforce the observance of the sacred canons, and the general maintenance of discipline. He allowed, in general terms, that there was little substantially wrong in the discipline of the church of England ; he deprecated all discussion on the original merit of the reformation, and professed to see no use in the pope's intervention, till the basis of the negotiation should be settled.

The answer of the archbishop was not very explicit. It is evident from it, that he thought the quarrels on jansenism had alienated the jansenists and their adherents from the pope, much more than they had done in reality. He was willing to concede to the pope a primacy of rank and honour, but would by no means allow him a primacy of jurisdiction, or any primacy by divine right. On the other points, he seemed to have thought that they

might come to an agreement on what they should declare to be the fundamental doctrine of the churches, and adopt, on every other point of doctrine, a general system of christian toleration.

The correspondence, which is very interesting, may be seen in the last volume of the English translation of doctor Mosheim's Ecclesiastical History. To facilitate the accomplishment of the object of it, doctor Courayer published the treatise we have mentioned on the validity of English ordinations.

Both doctor Wake and doctor Dupin were censured by the members of their respective communions, for the parts which they had taken in this business. Several rigid members of the English church, and even some foreign protestants, blamed doctor Wake for what they termed his too great concessions. In France, the worst of motives were imputed to doctor Dupin and his associates; they were accused of making unjustifiable sacrifices in order to form an union between the jansenists and the members of the English church. Even the regent took the alarm: he ordered doctor Dupin to discontinue the correspondence, and to leave all the papers respecting it with the minister. This was done; but the most important of them have been printed in the interesting and extensively circulated publication, which has been mentioned.



## CHAP. LXXII.

BULL OF POPE BENEDICT XIV. REGULATING THE  
ENGLISH MISSION.

1753.

IN a former page of these Memoirs we mentioned the differences, which, at the time of which we were then speaking, subsisted between the secular and regular clergy in England, on the expediency of the appointment of bishops and the extent of the powers, with which the prelates appointed had been invested: they were composed by a bull of pope Benedict XIV\*. No person was better qualified by learning, good sense, and pacific views, for effecting such a measure, than this amiable and respectable pontiff.

His holiness derogates by the bull from the bulls “Brittania” and “Plantata” which we noticed in a former page; those having, as he observes, been issued before the establishment of the four vicariats, and not being calculated for that arrangement. He decrees, that no missionaries, secular or regular, should, whatever might be their privileges, administer the sacraments, or exercise any other parochial duty, without the licence of the vicars apostolic within whose districts they resided. He considerably enlarges the spiritual powers of the vicars apostolic and their rights to communicate or delegate them. On the other hand, he declares that the regular clergy are to be considered as

\* 5 May 1753.

residing within their monasteries, so far as respects their internal œconomy : if therefore they fail in duty or give scandal, their superior is to punish them. The vicar apostolic, if the scandal be of a public nature, may require the superior to proceed against the offender, and, if the superior neglects it, he is to be deprived of his office, and the bishop himself may act. This, he says, is conformable to the canon law, and to the council of Trent. The vicars are to see that the secular clergy do not frequent taverns, or other haunts of idleness, and to proceed by suspension against those who frequent them. If a difference arises between a vicar apostolic and the superior of a religious order respecting the conduct of any member of it in parochial duty, or in the administration of the sacraments, the sentence of the former is to be preferred to the opinion of the latter. When a superior wishes to remove a member of his order from the cure of souls, or the administration of the sacraments, he may do it, giving previous notice to the prelate ;— and the prelate in ordinary may do the same. In such cases, it is not necessary that either should assign his reasons for the removal. “ The vicars “ apostolic are particularly directed to punish in “ any manner, but always with severity, those of “ the clergy, who talk, without due honour, of the “ national government. For the clergy should “ know that they reside in England, not to spread “ reports, or to excite tumults, but for the good of “ religion.” His holiness imposes the same obligation on the superiors of the regulars, in respect to the members of their orders.

## CHAP. LXXIII.

## JANSENISM.

THE writer has attempted to give, in his "Historical Memoirs of the Church of France," a succinct view of the principal events in the history of jansenism. After it had disturbed that church for more than a century, the catholics of England had the mortification to hear, that his holiness had been informed that jansenism had found its way to them and to their principal foreign college. Never was a charge more triumphantly refuted; but, for a time, it occasioned considerable agitation in the catholic body.—We shall present an account of it to our readers: but to give them even a slight sketch of the nature of jansenism, it is necessary to take them back to a very distant period.

We feel that we are free: if we were not, conscience would not exist; for, if man had not freedom of action, conscience could not intimate to him, either its approbation or its disapprobation of his actions.

But how are we free? How is free-will reconcileable either with the influence of motive on will; or with the order of the universe prescribed by the Deity; or with his prescience? For that, which his infinite mind has prescribed, or foresees, must be fixed. These questions soon engaged the attention of the Greek philosophers: some advocated the



free-will of man ; others denied it, and ascribed all his actions to fate or destiny, a being or an energy, which they were never able to describe or define. Among the jews, the sadducees embraced the former opinion, the pharisees, the latter. Among the mahometans a like division prevailed between the followers of Omar, and the followers of Ali. It is not a little remarkable, that, in all these instances, superior sanctity and severity were uniformly affected by the maintainers of fate ;—we should naturally look for them among the maintainers of free-will.

Unfortunately, the christians engaged in these perplexing speculations :—their disputes chiefly turned on the effect, which motive, suggested by grace or the divine favour, has on human will. Does it necessitate ? then, there is no free-will. Does it not necessitate ? then there is a good, of which God is not author. This dispute was brought to an issue by Pelagius and his disciples, in the beginning of the fifth century. They held, that man acts independently of divine grace, both in the choice and execution of good. St. Augustine was the advocate of grace against the Pelagians : he successfully contended, that divine grace begins, advances, and brings to perfection every thing in man, which can be justly called good, but does not force him to act against his inclination, and may therefore be resisted by his perverse will.

This is the doctrine of the catholic church. Calvin professed to adopt the doctrine of St. Augustine ; but pushed it beyond its legitimate bearings, by maintaining that God, from all eternity, has deter-

mined, in respect to each individual, that he should be lost or saved : and that Christ died for those only, whom he thus designs to save :—that on them God bestows graces, which necessitate them to perform such actions, as are crowned by eternal salvation, and withholds them from all others ; so that, as all are born in sin, all, from whom these graces are withheld, continue objects of divine reprobation both in time and eternity.—Thus Calvin pushed the system of St. Augustine, into the dreary doctrine of absolute predestination.

The system of Jansenius lies between the conflicting doctrines of St. Augustine and Calvin, but veers considerably to the latter. It is fully detailed in a work composed by Jansenius, which, from the alleged conformity of its doctrine with that of the learned father, he intituled, “ Augustinus.” Five propositions, containing the essence of that work, were extracted from it, and condemned at different times by pope Innocent X. and several succeeding popes. The doctrines of Jansenius were afterwards adopted by Quêsnel, a priest of the congregation of the oratory.—A work written by him, intituled “ Moral Reflections,” was greatly admired on its first appearance : but, when it was attentively examined, was found to contain the doctrines of Jansenius, blended, in an elegant and artful manner, with much, that was really good.

It was condemned in 1713 by pope Clement XIII, by a bull intituled, from the first word of it, “ *Unigenitus*.” Four French bishops and several of the French clergy appealed from this bull, and acquired

by it the name of appellants. A controversy ensued, which has subsisted, in a less or greater degree, to the present time.

Other opinions were charged on the disciples of Jansenius ; and these were the more dangerous, because bad practical consequences were deducible from them, and because, to use an expression of Bossuet, their mischief chiefly lay in pushing sound doctrine to extreme consequences ; so that it became difficult to fix on the point, at which the divergence from the line of truth began, and the first step into error was made. “ Jansenism,” said a gentleman, whose words Fleury\* cites with respect, “ is the most subtle heresy, that the devil ever wove. “ The Jansenists saw, that the protestants, in separating from the church, subscribed to their own “ condemnation, as this separation was always a “ matter of reproach. The jansenists therefore laid “ it down, for a fundamental rule of their conduct, “ never to separate themselves externally from the “ church, and always to make a profession of submitting to her decisions, taking care, however, “ to be furnished with subtleties that would explain them away ; and thus, without real change “ of their opinion, they had the appearance of submission.”

But the accusation of jansenism was often made without sufficient ground :—all, who adopted the five propositions, or any of them,—or asserted that they were not contained in the Augustinus ; and all, who adopted the propositions condemned in the

\* *Opuscules de Fleury*, p. 227.



work of Quêsnel, or any of them, in the sense in which they were condemned,—or who appealed from the bull *Unigenitus*, were properly termed jansenists ; and the same appellation might be given with propriety to those, who maintained doctrines substantially the same, or fairly deducible, as consequences, from the propositions, which we have mentioned.—But, whether a doctrine was thus the same, or thus deducible, was not always clear. Hence, the imputation of jansenism was sometimes unguardedly and sometimes unjustly applied. This happened the more frequently on account of the proscription of jansenism by Lewis XIV, and his court \* ; “ From his youth,” says a well informed writer †, “ the jansenists had been described to him, and he uniformly considered them, as a dangerous cabal ; “ a sect that was inimical to every kind of authority. Madame de Maintenon, if we are to judge of her real sentiments, by a kind of profession of faith, which she sent to a young lady of St. Cyr, “ entertained the same opinion of them.” “ You will find in the New Testament,” says the discerning lady, with her usual good sense, “ that a good tree produces good fruit ; you will also find that “ the jansenists produce bad fruit, that they shake

\* “ La définition que le Maréchal d’Harcourt donnoit du jansénisme, étoit, ‘ qu’un janséniste n’étoit souvent autre chose, qu’un homme qu’on vouloit perdre à la cour,’—car il suffisoit alors d’en répendre le soupçon pour perdre les meilleurs sujets dans l’esprit du roi.”—*Œuvres du Chancelier d’Aguesseau*, tom. xiii. p. 123.

† *Louis XIV. et sa Cour et la Régent*, vol. iii. p. 87.

“ off the yoke of the church ; that, openly enough,  
“ they despise the pope ; that they avoid indirect  
“ blame of the king, but that they say he is mistaken.  
“ That they principally affect moderation, to gain  
“ over the ladies to them. They announce to the  
“ sex that they are capable of passing judgment on  
“ doctrinal matters. In this, you see nothing of  
“ christian humility and obedience ; particularly in  
“ regard to us, who, whatever wit we may have,  
“ are ignorant. We are too happy to be obliged by  
“ our sex and inexperience, to simplicity and sub-  
“ mission ; for this is the safest and surest road :  
“ but we are not wise enough to avail ourselves of  
“ our happiness.”—It is impossible not to admire  
the general good sense of these observations.

The consequence of the dislike of Lewis XIV. to the jansenists was, that the words “ jansenism” and “ jansenist” were often wholly misapplied ; and that even, when they were used to designate real heresy or real error, the heresy or the error had nothing in common with the doctrines peculiar to jansenism. Sometimes excessive zeal, sometimes sinister views barbed the dart, which carried the imputation. This, all moderate men lamented :—it grew at length to such a height, that in 1694, pope Innocent XII, addressed a bull to the bishops of Flanders, in which he ordered, in the most explicit terms, “ that they  
“ should not permit any person to be traduced, or  
“ marked out, by the vague accusation and invidious  
“ name of jansenism, unless it had been previously  
“ ascertained, that he had taught or held one of the  
“ five propositions ; and that they should not permit

“ any one, except in a due course of law, to be excluded, under this pretext, from offices, gratuities, benefices, degrees, or the pulpit.” By a subsequent brief, in the year 1696, the same pope severely censured those, who spread the charge of jansenism from private views. In the same spirit, the clergy of France declared, at their general assembly in 1700, “ their reprobation of those busy and malevolent persons, who fixed on good men, or on men zealous in ecclesiastical duty, a vague and undefined charge of jansenism, because they harshly declaimed against the actual corruption of manners.”

Jansenism, even in the loosest sense, which can, with any kind of propriety, be given to that word, seems never to have made any serious progress, either among the clergy or the laity of the English catholics : yet, it was charged on the former, particularly on the clergy of Douay college ; and the charge was conveyed to the congregation *de propaganda fide* at Rome\*. Grimaldi, their secretary, transmitted it to the internuncio at Brussels, with an order to communicate it to the English catholic prelates,—that the accused might have an opportunity of defending themselves. In consequence of it, doctor James Smith, the vicar apostolic of the northern district, addressed a letter to cardinal Caprara, dated the 23d of September 1707. He first gives an absolute denial to the general charge ; then, descending into particulars, gives a denial, equally absolute, to each. The clergy, in the mean time,

\* Dodd, vol. iii. p. 519.



collected testimonials of their innocence, from all the vicars apostolic, and the superiors of the regular clergy.—“ The vicar apostolic of the London “ district,” according to a letter which Mr. Dodd has inserted in his History,—“ accompanied by one “ of his vicars-general, made the good father-pro- “ vincial of the jesuists a visit, and desired him “ freely to declare, if he knew of any priest in his “ district, who might be justly accused or sus- “ pected of jansenism. The reverend father, as a “ person of worth and integrity, answered, ‘ that “ he knew not, nor heard of any such person, in “ his lordship’s whole district :’—and further added, “ ‘ that he was newly returned from his visit in the “ northern parts, and that he neither had heard, “ nor did know any person in that district, who could “ be accused of the said opinion of jansenism.’ ”

Still, the charges continued to be made, and the college at Douay continued to be involved in them. A letter of doctor Witham \*, the vicar apostolic of the midland district, to doctor Paston the president of that college, acquaints him that “ cardinal “ Paulucci, had lately written to the two senior “ vicars apostolic and to him, to acquaint them, that “ his holiness had been informed, or, as the letter “ has it, that notice had come to him, that many “ and divers teachers and scholars in his college “ publicly taught and learned the false doctrine of “ Jansenius ; and had commanded the said Pau- “ lucci to signify to him, that he should with all “ diligence possible, procure them to be removed,

\* Dodd, vol. iii. p. 520.

“ that others might be substituted in their room, of  
“ singular piety, and particularly professors of the  
“ catholic doctrine,—(forso he expresses himself),—  
“ to the end that the see apostolic might not other-  
“ wise be necessitated to suspend the pension or  
“ rents, usually allowed to the college, and convert  
“ them to other uses.”—The same circumstance is  
noticed, in the letter from doctor James Smith to  
cardinal Caprara.

To defend themselves against these charges, the gentlemen of Douay college first made a firm and modest protestation of their innocence, and an explicit profession of their adherence to the holy see, and their absolute and unequivocal submission to the pontifical decrees on the subject of jansenism.—They then transmitted to Rome a testimonial from the heads of the university and town of Douay in favour of their piety and learning, the purity of their doctrine, and their equal freedom from loose morality and affected severity.—A testimonial was afterwards subscribed by the duke of Berwick, the duke of Perth, and other distinguished persons at the court of St. Germain, by which they declared,—(as they said they were bound to do in justice and charity),—their perfect conviction that the charges brought against the college were false, invidious, and of a tendency to subvert peace and religion in the catholic church of England\*.—At length, a visitation of Douay college took place, by the order of his holiness. A strict inquiry† was made into

\* Dodd, vol. iii. p. 521. † Ib. 480.

its doctrine and discipline; and two formal subscriptions to all the decrees of the holy see, on the subject of jansenism, were made,—one in 1710, by the four vicars apostolic, and the other in 1714, by the superiors of the college. With these, his holiness, in two letters written at his direction by cardinal Paulucci, declared himself to be abundantly satisfied.

Here the matter ended.—A serious and certainly an impartial examination of the proceedings of the jansenists, has led the writer to think that they were uniformly wrong:—wrong, in averring that the five propositions were not contained in the Augustinus; wrong, in maintaining that the church did not condemn them in the sense which the language of that work imported; wrong, in denying the right of the church to pronounce on the true sense of an author's writings on religious subjects; wrong, in all their distinctions and evasions; and wrong, in the excessive severity of their morality. This was the decided and avowed opinion of Bossuet, Fénelon, Fléchier and Fleury; and the opinions of these eminent lights of the church are of the greater weight upon this point, as, with the exception of Fénelon, all of them abstained from the controversy.

That Lewis XIV. entered into it as he did, is greatly to be lamented: if he had left jansenism to the church, jansenism would, in all probability, have soon died away: it is difficult to find in history, a single instance, in which, if persecution has stopped short of extermination, it has not both increased

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and perpetuated the opinions, which it was meant to proscribe.

It is also to be lamented that the charge of jansenism was often inconsiderately made. It was a serious charge, and, in proportion as it was serious, should have been slowly and cautiously urged. Vague and indistinct imputations of it should have been avoided. We have seen the terms in which these were condemned by popes and prelates; those, who made them should have reflected, that, if bulls and briefs of the holy see accepted by the universal church condemned jansenism; bulls and briefs so accepted, equally condemned these vague and indistinct imputations.

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#### CHAP. LXXIV.

##### THE METHODISTS,—THE ANTINOMIANS,—AND MORAVIANS.

JANSENISM was more successful in intruding itself into the protestant than into the catholic church of England.

About the time, which these Memoirs have now reached, Methodism began to attract the notice of the public. The celebrated John Wesley, its patriarch, was hostile to the leading doctrines of jansenism; the celebrated George Whitfield, a rival chief of the same denomination, was their advocate; and the difference has been perpetuated between their disciples. Some account, in this place,

of the Methodists, and of the Antinomians, and Moravians, with whom their history is intimately connected, will not, it is apprehended, be deemed foreign to the subject. We shall add a succinct statement of the difference between the roman-catholic church and the lutherans and methodists, on the subject of justification.

## LXXIV. 1.

*The Methodists.*

TALENTS of no ordinary kind and a devotional temper were hereditary in the family of Wesley. He was born in 1703, at Epworth, in the Lindsay division of Leicestershire. Two books, “The Following of Christ,” usually ascribed to Thomas à Kempis\*, and doctor Jeremy Taylor’s “Rules of Holy Living and Dying,” made an early and a lasting impression upon him. The taking up of the cross, as it is inculcated by these writers, at first revolted him:—mentioning this to his mother, a woman of uncommon intellectual powers, she gave him this excellent lesson: “Would you judge of the lawfulness or unlawfulness of pleasure,—take

\* A Life of Thomas à Kempis, has been published by the writer of these pages, 1 vol. 8vo. Numerous are the treatises written to ascertain who is the author of The Imitation: this, even now, is the subject of a literary controversy at Paris.—See “Dissertation sur soixante Traductions Françaises de l’Imitation de Jésus Christ, dédiée à sa Majesté l’Impératrice et Reine. Par Ant. Alex. Barbier, bibliothécaire de sa majesté l’empereur et roi, et de son conseil d’état. Suivie des considérations sur la question relative à l’auteur de l’Imitation. Paris 1812, 8vo.”

“ this rule ;—whatever weakens your reason, impairs the tenderness of your conscience, obscures your sense of God, or takes off the relish of spiritual things,—in short,—whatever, increases the strength and authority of your body over your mind,—that thing is sin in *you*, however innocent it may be in itself.” Wesley afterwards became acquainted with the celebrated William Law, and was much affected by his conversation and writings. One expression of that gentleman sunk deep into Wesley’s heart,—“ You would have,” Law said to him, “ a philosophical religion :—but there can be no such thing. Religion is the most plain, simple thing in the world :—it is only,—*We love HIM because HE first loved us* \*.”

Charles Wesley the younger brother of John, and some of his associates, acquired at Oxford, by their piety and mortified habits, the appellation of Methodists. John soon became their leader. He addicted himself with great earnestness to theological study, obtained a fellowship in Lincoln college, and was appointed a Greek lecturer and moderator of the classes. He then travelled to New Georgia, to convert the Indians, and, at the end of two years, returned to England.

\* “ Law is a powerful writer : it is said that few books have ever made so many religious enthusiasts as his *Christian Perfection* and his *Serious Call* : indeed the youth who should read them without being perilously affected, must have either a light mind, or an unusually strong one.”—*The Life of Wesley, and the Rise and Progress of Methodism*, by Robert Southey, esq.—1820, 2 vols. 8vo.



Mr. Southey, from whose valuable Life of Wesley, we have extracted the foregoing passages, has given in it a curious account of the church of England, from the reformation, till the time of Wesley's predication. He closes it, with the following remarkable passage, which, though we do not acquiesce in every part of it, we transcribe with pleasure.

Speaking of that period of the reformation, which immediately followed its establishment by the first parliament of Elizabeth, he says,—“ The evil was, “ that, among the educated classes, too little care was “ taken to imbue them early with this better faith; “ and too little exertion used for awakening them “ from the pursuits and vanities of this world, to a “ salutary and hopeful contemplation of that, which “ is to come. And there was the heavier evil, that “ the greater part of the nation were totally uneducated;—christians, no farther than the mere ceremony of baptism could make them, being for the “ most part in a state of heathen, or worse than “ heathen ignorance. In truth, they had never been “ converted; for, at first, one idolatry had been “ substituted for another: in this, they had followed the fashion of their lords; and when the “ Romish idolatry was expelled, the change on “ their part was still a matter of necessary submission;—they were left as ignorant of real christianity as they were found. The world has never “ yet seen a nation of christians.

“ Three measures then were required for completing the reformation in England: that the condition of the inferior clergy should be improved;

“ that the number of religious instructors should be  
“ greatly increased ; and that a system of paro-  
“ chial education should be established and vigi-  
“ lantly upheld. These measures could only be  
“ effected by the legislature. A fourth thing was  
“ needful,—that the clergy should be awakened to  
“ an active discharge of their duty ; and this was not  
“ within the power of legislation. The former ob-  
“ jects never for a moment occupied Wesley’s con-  
“ sideration. He began life with ascetic habits and  
“ opinions ; with a restless spirit, and a fiery heart.  
“ Ease and comfort were neither congenial to his  
“ disposition nor his principles : wealth was not  
“ necessary for his calling, and it was beneath his  
“ thoughts : he could command not merely respec-  
“ tability without it, but importance. Nor was he  
“ long before he discovered what St. Francis and  
“ his followers and imitators had demonstrated  
“ long before, that they, who profess poverty for  
“ conscience-sake, and trust for daily bread to the  
“ religious sympathy which they excite, will find it  
“ as surely, as Elijah in the wilderness, and without  
“ a miracle. As little did the subject of national  
“ education engage his mind : his aim was direct,  
“ immediate, palpable utility. Nor could he have  
“ effected any thing upon either of these great le-  
“ gislative points : the most urgent representations,  
“ the most convincing arguments, would have been  
“ disregarded in that age, for the time was not  
“ come. The great struggle between the destruc-  
“ tive and conservative principles,—between good  
“ and evil,—had not yet commenced ; and it was

“ not then foreseen that the very foundations of  
“ civil society would be shaken, because govern-  
“ ments had neglected their most awful and most  
“ important duty. But the present consequences  
“ of this neglect were obvious and glaring ; the  
“ rudeness of the peasantry, the brutality of the  
“ town populace, the prevalence of drunkenness,  
“ the growth of impiety, the general deadness to  
“ religion. These might be combated by indivi-  
“ dual exertions, and Wesley felt in himself the  
“ power and the will both in such plenitude, that  
“ they appeared to him a manifestation, not to be  
“ doubted, of the will of Heaven. Every trial  
“ tended to confirm him in this persuasion ; and  
“ the effects which he produced, both upon body  
“ and mind, appeared equally to himself and to his  
“ followers, miraculous. Diseases were arrested or  
“ subdued by the faith, which he inspired,—mad-  
“ ness was appeased, and, in the sound and sane,  
“ paroxysms were excited, which were new to pa-  
“ thology, and which he believed to be supernatural  
“ interpositions, vouchsafed in furtherance of his  
“ efforts by the spirit of God, or worked in opposi-  
“ tion to them by the exasperated principle of evil.  
“ Drunkards were reclaimed ; sinners were con-  
“ verted ; the penitent who came in despair was  
“ sent away with the full assurance of joy ; the  
“ dead sleep of indifference was broken ; and often-  
“ times his eloquence reached the hard brute heart,  
“ and opening it, like the rock of Horeb, made  
“ way for the living spring of piety which had been  
“ pent within. These effects he saw,—they were



“ public and undeniable ; and looking forward in  
“ exultant faith, he hoped that the heaven would  
“ not cease to work till it had leavened the whole  
“ mass ; that the impulse which he had given would  
“ surely, though slowly, operate a national reformation, and bring about, in fulness of time, the  
“ fulfilment of those prophecies which promise us,  
“ that the kingdom of our Father shall come, and  
“ His will be done in earth as it is in heaven.

“ With all this, there was intermingled a large  
“ portion of enthusiasm, and no small one of superstition ; much, that was erroneous, much, that  
“ was mischievous, much, that was dangerous. But,  
“ had he been less enthusiastic, of an humbler spirit,  
“ or a quieter heart, or a maturer judgment, he would  
“ never have commenced his undertaking. Sensible  
“ only of the good which he was producing, and  
“ which he saw produced, he went on courageously  
“ and indefatigably in his career. Whither it was  
“ to lead he knew not, nor what form and consistence the societies which he was collecting would  
“ assume ; nor, where he was to find labourers, as  
“ he enlarged the field of his operations ; nor how  
“ the scheme was to derive its temporal support.  
“ But these considerations neither troubled him,  
“ nor made him for a moment foreslack his course.  
“ God, he believed, had appointed it, and God  
“ would always provide means for accomplishing  
“ his own ends.”

Such was John Wesley,—such were his endowments and his views :—the conversion of George Whitfield was of a prior date : he also had joined the Oxford methodists, and had prayed much :—still

he wanted faith:—he thus speaks of himself:—  
“ And the faith, which I wanted, was a sure trust  
“ and confidence in God, that, through the merits  
“ of Christ, my sins were forgiven and that I was  
“ reconciled to God.—At the end of a sickness of  
“ seven weeks, after having undergone innumerable  
“ buffetings of Satan, and many months inexpress-  
“ sible trials, night and day, under the spirit of  
“ bondage, God was pleased at length to remove  
“ the heavy load,—the weight of sin went off, and  
“ an abiding sense of the pardoning love of God,  
“ and a full assurance of faith broke in upon my  
“ disconsolate soul.—At first, my joys were like a  
“ spring-tide, and, as it were, overflowed the banks.  
“ Go where I would, I could not avoid singing  
“ psalms almost aloud; afterwards, they became  
“ more settled, and, blessed be God! saving a few  
“ casual intervals, have abode and increased in my  
“ soul ever since.

“ At length, on the 24th of May 1738, about  
“ a quarter before nine,—I felt my heart strangely  
“ warmed. I felt that I did trust in Christ,—in  
“ Christ alone,—for salvation; and an assurance  
“ was given me, that Christ had taken away my  
“ sins, even *my* sins, and saved me from the law of  
“ sin and death.”

The leading article, the key of the religious system of both, is the same. Mr. Southey\*, using their own language, announces it in the following terms, —“ Whosoever thou art, O man! who hast the  
“ sentence of death on thyself, unto thee saith the

\* Vol. ii. p. 120.

“ Lord,—not,—‘ Do this,—perfectly obey all my  
 “ commandments, and live,’—but,—‘ Believe in  
 “ the Lord Jesus Christ, and thou shalt be saved.’ ”  
 —Mr. Southey premises, that according, to the  
 system of each,—“ this belief is the free gift of  
 “ God; no merit, no goodness in man, precedes the  
 “ forgiving love of God.”

Most persons who have read these and other passages of a like nature in the writings of these fathers of the methodist church, standing as they often do, single and unexplained, will immediately conclude that they lead to a frightful conclusion; as they appear to import, that a wicked man, if he believes what should be believed, becomes, though he continue in his sin, justified in the sight of God, and assured of his salvation.

But this, say the followers of Wesley, is a mistake arising from a misapprehension of the true import of the word “ faith.”—In the sense in which it is used by Wesley, it does not signify an opinion, or a collection of opinions: “ it is a feeling of the soul, “ whereby, through the power of the Highest,— “ who overshadows him,—the person, who has this “ feeling, perceives the presence of Him, whom he “ loveth, in whom he lives, moves, and has his being; and feels the love of God shed in his heart. “ —I feel by it,” he says\*, “ an inward impression on my soul, whereby the Spirit of God, immediately and directly witnesseth to my spirit; “ that I am a child of God;—that Jesus Christ “ has loved me; has given himself to me; that all

\* Sermon on “ The Witness of the Spirit.”



“ my sins are blotted out, and that I am reconciled to God.”—This feeling or *experience* as it is termed by the methodists, is not, by their account, the result of reasoning ; it is the voice of the Spirit, announcing its presence antecedently to any reasoning. They add, that none should presume to rest on this testimony of the Spirit, unless it is accompanied by charity, and its inseparable fruits, the love of God, and the love of our neighbour.

Now,—if we divest these doctrines of the methodists of the language of exaltation, in which they are generally expressed, is there not some ground to contend, that it is substantially the same, or nearly the same as the doctrine received by all christians,—that he, who loves God, keeps his commandments ; and that such a person has a good conscience, and therefore a consciousness of divine favour?—The misfortune seems to be, that the generality of the preachers of this school, dwell comparatively so much on the feeling of divine favour, and so little on the works, which, as they acknowledge, must, if it be true, accompany it, as to make it thought, that this saving faith may subsist without them.—In justice, however, to the methodists, it is necessary to add, that this consequence exists among them in theory more than in practice ; as, wherever methodism prevails, a general improvement of morals, a general increase and extension of industry, frugality, and other useful virtues and habits, ordinarily follow.

On the great points of grace and the atonement, the doctrines of Wesley and Whitfield were diame-

trically opposite.—Wesley held with Arminius,—1st, that God has not fixed the future fate of mankind by an absolute unconditional decree; but that he determined, from all eternity, to bestow salvation on those, whom he foresaw, would persevere to the end in their faith in Jesus Christ;—and to inflict punishment on those, who should continue in their unbelief, and resist to the end his divine assistance:—2dly, that Jesus Christ by his death and sufferings made an atonement for the sins of all mankind in general, and of every individual in particular; but that those only, who believe in him, can be partakers of this divine benefit.

Whitfield held with Calvin,—1st, that God has chosen a certain number in Christ to everlasting glory, before the foundation of the world, according to his immutable purpose, and of his free grace and love, without any regard to the faith, good works, or any other conditions, to be performed by the creature; and that he was pleased to pass by the rest of mankind, and to ordain them to dishonour and wrath for their sins, to the praise of the vindictive justice:—2dly, that Jesus Christ suffered and died for the elect only, and atoned only for their sins.

But however Wesley and Whitfield disagreed on the two important points which have been mentioned,—there was a perfect agreement between them on the two distinguishing principles of methodism: 1st, the salvation by faith in Jesus Christ,—2dly, a *perceptible*, and in some cases, an instantaneous conversion, with a feeling assurance of reconciliation to God.—This, they term the new birth.

A war of words took place between Wesley and Whitfield, on the points in difference between them. They were afterwards reconciled. “ I love you and honour you,” Whitfield says in a letter to Wesley; “ and, when I come to judgment, will thank you before men and angels for what you have, under God, done for my soul. There, I am persuaded, I shall see dear Mr. Wesley convinced of election and everlasting love. And it often fills me with pleasure to think, how I shall behold you, casting your crown down at the feet of the Lamb, and as it were filled with a holy blushing, for opposing the divine sovereignty in the manner you have done.”

The eloquence of these extraordinary men was wonderful,—but rather equal than alike,—Whitfield was commanding, Wesley was insinuating: Whitfield had little reading, Wesley was both a gentleman and a scholar.

Psalmody was employed by each with great effect; but it was of the simplest kind:—it is one of Wesley’s injunctions, that different words should never be sung at the same time by different persons, and that no syllable should have more than one note.

On different occasions, Wesley wrote against the catholics, and “ one of his writings,” says Mr. Southey his biographer, “ gave the catholics an advantage, because it defended the protestant association of 1780; and the events, which speedily followed, were turned against him. But, upon the great points in dispute, he was clear and cogent, and the temper of this as of his other con-



“ troversial tracts was such, that, some years afterwards, when a common friend invited him to meet his antagonist, father O’Leary, it was gratifying to both parties to meet upon terms of courtesy and mutual good will.”

## LXXIV. 2.

*Antinomianism.*

THE doctrines of Wesley are said to have a remote, those of Whitfield a much nearer tendency to antinomianism\*. The English antinomians are descendants of a certain sect of presbyterians, who arose in the civil war. They maintain, as principles, certain consequences which they draw from the doctrines of Calvin, but which he himself rejected, and which the more rational part of his followers equally reject.—According to the antinomians,—as those, whom God has elected to salvation, will, by the irresistible impulse of divine grace, be led to piety and virtue, it necessarily follows that instruction, admonition, and exhortation, are in their regard, absolutely unnecessary.

Some carry this doctrine to a more frightful length,—they maintain that, as the elect cannot forfeit the divine favour, their violations of the divine law will not be charged upon them, and they need not, therefore, repent of them.

Some even maintain, that the violations, however

\* See Toland’s Letter to Le Clere, in the *Bibliothèque Universelle et Critique*, tome xxxiii. p. 505. Mosheim, *Ecc. Hist.* cent. xvii. sec. 2. p. 2.

enormous, by the elect, of the divine law, are not sins, in the sight of God; because it is one of the essential and distinctive characters of the elect, that they cannot do any thing, which is either displeasing to God, or prohibited by his law. Against the antinomians, Wesley uniformly preached and acted: his successor, Mr. Fletcher of Madeley\*, was their ablest opponent.—It must be added, that the calvinists themselves deny, that any of these antinomian tenets are justly inferrible from their doctrines.

The tendency, however remote, of his avowed doctrines, to antinomianism, did not escape Wesley's own observation. Mr. Southey† cites from his works, this remarkable passage: “The true gospel touches on the very edge both of calvinism and antinomianism, so that nothing but the mighty power of God can prevent our sliding into one or the other.”

#### LXXIV. 3.

##### *The Moravians.*

To this denomination of christians, Wesley once had nearly aggregated himself; he afterwards declared against them, and finally separated himself and his disciples formally from them: at that time a degree of fanaticism, which does not now belong to them, was justly imputed to them.

The following is a succinct outline of their history and tenets.

In 1570, a congress of Bohemian, Polish and

\* In his Four Checks to Antinomianism.

† Life of Wesley, vol. ii. p. 189.

Switzer protestants, some of whom were lutherans, some calvinists, and some socinians, was held at Sendomir\*. They agreed on a formulary called the Consent of Sendomir. But the agreement was of short duration; for almost immediately after it was signed, the majority of the Bohemians entered into communion with the Helvetic churches. In 1620, a general union of all the Bohemian churches was effected at Astrog under the name of *The Church of the United Brethren*.

The original settlement of these churches was in Bohemia and Moravia. Persecution scattered the members of them: a considerable number of the fugitives settled at Herrnhut, a village in Lusatia. There, under the protection and guidance of count Zinzendorf, they formed themselves into a new community, which was designed to comprehend their actual and future congregations, under the title of "*The Protestant Church of the Unitas Fratrum, or United Brethren of the Confession of Augsburg.*" That Confession is their only symbolic book; but they profess great esteem for the eighteen first chapters of the synodical document of the church of Berne in 1532, as a declaration of true christian doctrine. They also respect the writings of count Zinzendorf, but do not consider themselves bound by any opinion, sentiment, or expression which these contain. It is acknowledged, that, towards

\* This document and a curious account of the congress, at which it was framed, was published by Jablonski at Berlin in 1731, in one vol. 4to. with the title *Historia Consensus Sendomizensis*.



the middle of the last century, they used in their devotional exercises, particularly in their hymns, many expressions justly censurable : but these have been corrected. They consider lutherans and calvinists, to be their brethren in faith, as according with them in the essential articles of religion ; and therefore, when any of their members reside at a distance from a congregation of the united brethren, they not only attend a lutheran or calvinist church, but receive the sacrament from its ministers, without scruple. In this, they profess to act in conformity to the convention at Sendomir.

The union, which prevails both among the congregations, and the individuals, which compose them, their modest and humble carriage, their moderation in lucrative pursuits, the simplicity of their manners, their laborious industry, their frugal habits, their ardent but mild piety, and their regular discharge of all their spiritual observances, are universally acknowledged and admired. Their charities are boundless, their kindness to their poor brethren is most edifying ; there is not among them a beggar. The care, which they bestow on the education of their children, in forming their minds, chastening their hearts and curbing their imaginations,—particularly in those years,

“ ————— When youth, elate and gay,

“ Steps into life and follows, unrestrained,

“ Where passion leads, or reason points the way ;”—

LOWTH ;

are universally acknowledged, universally admired, and deserve universal imitation.

But, it is principally by the extent and success of their missionary labours that they now engage the attention of the public. These began in 1732. In 1812, they had 33 settlements in heathen nations—137 missionaries were employed in them: they had baptised 27,400 converts: and such had been their care in admitting them to that sacred rite, and such their assiduity in cultivating a spirit of religion among them, that scarcely an individual had been known to relapse into paganism. All travellers who have visited their settlements speak with wonder and praise, of the humility, the patient endurance of privation and hardship, the affectionate zeal, the mild and persevering exertions of the missionaries; and the innocence, industry and piety of the converts:—the European, the American, the African, and the Asiatic traveller speak of them, in the same terms: and, that they speak without exaggeration, the conduct both of the pastor and the flock in the different settlements of the united brethren in England, incontestibly proves. Whatever he may think of their religious tenets, *Talis cùm sis, utinam noster esses*, must be the exclamation of every christian, who considers their lives\*.

\* Those who desire further knowledge of this amiable and worthy denomination of christians, will find it in *David Crantz's Ancient and Modern History of the Brethren*, printed at Barby, 1771, and the two *Continuations of it*, Barby, 1791, and 1804. The History has been translated into English, and is become exceedingly scarce: the *Continuations* have not been translated. Mr. La Trobe, the pastor of the united brethren in London, has published a *Concise Historical Account of the Protestant Church of the United Brethren adhering to the Confession of Augsburg*.

## LXXIV. 4.

*The Difference between the Roman-catholic Church and the Lutherans and Methodists, on the subject of Justification.*

WITH a short statement of this difference, we shall close this chapter.

“ The justification of the sinner,” to use Luther’s own language, “ was the principle and source “ from which all his doctrine flowed.” So great, in his opinion, was the importance of this article of christian faith, that he thought himself warranted in asserting, that, “ while the doctrine upon it was “ pure, there would be no reason to fear either “ schism or division ; but that, if the true doctrine “ of justification were altered, it would be impossible “ to oppose error, or to stop the progress of fanatism \*.” It is far from the object of these pages to enter into any thing like controversial discussion ; but the writer thinks his readers will not be displeased to find in this place, an accurate statement of the doctrines of the roman-catholic and lutheran churches upon this important tenet of their respective creeds. It is expressed, with extreme accuracy, in the Letters of father Scheffmacker, a work highly celebrated on the continent †. The writer of these

\* Luth. Op. ed. Jenæ 1561, tom. vi. p. 13. Ibid. tom. iii. p. 189.

† Lettres d’un Docteur Catholique à un Protestant, sur les principaux Points de Controverse. Rouen, 1769. Deuxieme lettre, sur la justification.



letters begins that, which relates to the point in question, by observing to his lutheran correspondent, that, “if there be a point, on which persons have  
“disputed with warmth, and without sufficiently understanding one another, on either side, it must be  
“acknowledged, that the question on the justification of a sinner, is a point of that description.

“You teach,” he proceeds to observe, “that the  
“sinner is solely justified by faith ; that, after having offended God, and lost his grace, we obtain  
“the remission of our sins, and are restored to the  
“friendship of God, by means only of an act of  
“faith :—every other act of virtue, as acts of contrition, good resolution, hope, charity, &c. having,  
“as you pretend, no part in the sinner’s justification.

“Now, to form a just idea of the faith, which  
“you maintain to be the only means of reconciling  
“us with God, it is to be remarked, that it is not  
“the faith, which is understood by that word, in its common acceptation ; that is to say, a general  
“faith, by which we believe all that God has  
“revealed to us. You require, that it should be a  
“special faith, on the merits of Christ ; and this  
“faith, as your doctors explain it, contains first, an  
“act of the understanding, by which we acknowledge, that Jesus Christ has died for us ; that  
“he has fully satisfied for our sins ; and that he  
“presents to us his merits, his satisfaction, and his  
“remission of our sins : and secondly, an act of the  
“will, by which we accept all this, in applying and  
“appropriating to ourselves what is offered to us,

“ by Jesus Christ,—I mean his merits and the remission of our sins.

“ It is, however, necessary, that we do you the justice to acknowledge, that you require justifying faith to be fruitful in good works ; for you declare explicitly, that if faith be not accompanied by good works, it is not a true faith ; that we must be careful to avoid imagining, that justifying faith can subsist with a wish to persist in sin ; that, those, who have not contrition, and are resolved to continue to live in their disorders, have not the faith which justifies and saves them. Luther’s expression is, ‘ faith and good works are inseparably connected ; it is faith only which justifies, but justifying faith is never single, and without good works.’

“ We believe,—First, that faith, taken in the ordinary sense of that word, that is, for the virtue which makes us believe revealed truths, is absolutely necessary for the justification of the sinner. We are fully persuaded that no works done before faith, or without faith, by the mere strength of free-will, or human reason, can have any part in the justification of the sinner.

“ Secondly,—We believe, that faith alone does not suffice to justify the sinner ; that, in addition to it, there must be a sincere sorrow for sin, a firm resolution not to relapse into it, a salutary fear of the judgments of God, with a true confidence in the merits of Jesus Christ, and in the Divine mercy.

“ Thirdly,—We believe, that though the sinner

“ may obtain the grace of justification, in bringing  
“ the dispositions which I have mentioned, still he  
“ cannot merit them ; so that he is justified, gra-  
“ tuitously, by the pure mercy of God, and solely,  
“ in the view of the merits of Jesus Christ. I ex-  
“ plain myself :—the sinner, after he has lost the  
“ grace of God, can do nothing, which is sufficiently  
“ agreeable to God, to entitle him to be restored to  
“ his friendship. All the good works which he  
“ does, in such a state, are dead ; and of too little  
“ value to exact from the divine justice, that the  
“ grace of reconciliation should be restored to him,  
“ as the fruit of his works. When God justifies us,  
“ by restoring his friendship to us, it is not in con-  
“ sequence of the goodness of our works ; it is solely  
“ in consequence of the infinite price of the passion  
“ and death of Jesus Christ ; it is gratuitously ; it  
“ is from the pure effect of his mercy, that he ap-  
“ plies to us the fruit of the merits and the infinite  
“ satisfaction of his Son. It is true, that God re-  
“ quires certain works, without which he does not  
“ justify the sinner ; and in consequence of which,  
“ he does justify him : but he does not require them  
“ as meritorious works ; he requires them as con-  
“ ditions, or as necessary dispositions, without which,  
“ he does not receive the sinner into favour, or ad-  
“ mit him to participate in the merits of Jesus  
“ Christ, as to their effects in the remission of  
“ sins. According to the doctrine of the council  
“ of Trent †, nothing that precedes justification,

\* Sess. vi. c. 8.



“ either of faith or works, can merit the grace of  
“ justification.

“ Fourthly,—We believe, that though the sinner  
“ can only owe his justification to the merits of  
“ Jesus Christ, yet the merits of Jesus Christ are  
“ not the formal justice of the person justified :—  
“ he is not just of the justice of Jesus Christ ; that  
“ is extrinsic to him. He is just, by an inherent  
“ justice,—a justice which, at the same time, is the  
“ justice of God, and the justice of man ;—the jus-  
“ tice of man, because, having obtained it of the  
“ Divine liberality, it is within him, and not out  
“ of him ;—the justice of God, because it comes  
“ from God alone ; he alone gives it to the sinner,  
“ by a pure effect of his mercy, gratuitously, and  
“ only in view of the merits of Jesus Christ, the  
“ sinner being altogether unable, on his part, to  
“ merit the justice by any imaginable work, what-  
“ ever it may be.”

We leave the reader to his own reflections : if he be a roman-catholic, he must concede to the protestant, that he believes no sinner to be justified without good works ; if he be a protestant, he must concede to the catholic, that he believes no good works of the sinner, entitle him to justification ; and whether he be a roman-catholic or a protestant, he must concede, that both equally believe, that, where either faith or good works are wanting, the sinner will not be justified,—and that when he is justified, his justification is not owing either to his faith or his good works, or to both : for though both

abound, still would not the sinner be justified, if it were not for the infinite mercy of God, and the infinite merits and satisfaction of his Son \*.

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## CHAP. LXXV.

## SUPPRESSION OF THE JESUITS.

IN the history of the society of Jesus, all English catholics have an interest: invaluable and numerous are the services which the English members of it have rendered them, by their colleges, their missionary labours, their excellent writings and their exemplary lives.

The rise and first progress of the society have been noticed:—we shall now briefly mention, I. Its progressive extension: II. The mode of instruction and education used by the members of the society: III. Their missions in Paraguay: IV. Their mission in China: V. Their antichristian and anticatholic adversaries: VI. Their catholic adversaries: VII. Their alleged advocacy of the pope's divine right to temporal power in spiritual concerns: VIII. Their alleged exemption from the civil power in consequence of papal bulls and briefs: IX. The dissolution of the society: X. And their restoration.

\* The author of the letters, to which the writer has referred in this article, was father Scheffmacker, a jesuit, at Strasburgh. The reader of them, whatever be his creed, will be delighted with their truly christian politeness, their elegance, and their perspicuity.

## LXXV. 1.

*The progressive Extension of the Order.*

ST. IGNATIUS survived the approbation of his institute no longer than sixteen years : but, during this short period, St. Francis Xavier, and his companions, had converted thirty nations to the faith of Christ, and baptised, with their own hands, a million of idolaters : above one hundred schools, under the direction of the jesuits, had been founded in Italy, in Germany, in Portugal and Spain ; and incessant applications were received for others. The whole catholic world was delighted with the good that was done, and the good that was promised : “ Let us not despair,” said cardinal Commendon, one of the brightest ornaments of the sixteenth century, on his return from his German legation,—“ all difficulties that impede the progress of religion “ and virtue, may be overcome by the means of the “ fathers of the society of Jesus. This is the opinion of his imperial majesty, of the princes, and “ even of the people of Germany. What these “ fathers have already done, shews, what may be “ expected from their zeal. Their exemplary lives, “ their sermons, their colleges, have supported and “ will ever support religion. Multiply then the “ jesuits, multiply their colleges and their academies ; you will find that the fruits, which religion “ will gather from them, will exceed your expectations.” The advice was universally accepted ; the church and state of every catholic nation called



for the jesuits. In 1537, when St. Ignatius presented himself and his companions to the pope, their number did not exceed six ; at the expiration of the first century of the order, it reached 19,000.

## LXXV. 2.

*Their Mode of Instruction and Education.*

OF Socrates, it was said, that he brought down philosophy from the heavens to common life : of the jesuits, it may be truly said, that, in imitation of their divine model, they made the knowledge of religion and the practice of it familiar to every rank and order of society. They spread themselves over towns and over villages, to teach the catechism to children, in their very earliest days ; to afford them more solid instruction, as their years increased ; and to prepare them at a more advanced age, for the sacrament of the holy table. To excite them to devotion, and to confirm them in their good resolutions, they established certain devotional practices, which impressed them with religious feelings ; and formed religious associations, which, by uniting several in the observance of the same pious exercises, excited emulation, restrained the wandering, animated the tepid and inflamed the fervent.

Their schools were equally open to the noble and the ignoble, to the wealthy and the poor. All were subject to the same discipline ; rose at the same early hour, were fed by the same plain diet,—received the same instruction, might attain the same rewards, and were subject to the same punishments.

Surveying the school, the refectory or the play-garden of a Loyolan college, no person could distinguish a boy of sixteen quarters from a peasant's son. At the college de Clermont, the grand Condé said his lesson and did every other exercise, in the ranks, as a common boy.—His impetuous mind, which, at a future time, disdained and burst through every restraint, shewed all its fire, but burned with regulated heat, while he remained within the walls of Clermont. It may be added, that, through life he preserved his affection for the society, and that, in his last very edifying hours, he was attended by one of its fathers.

It is admitted, that the jesuits were singularly pleasing to their scholars. “ Their polite manners,” says M. de Chateaubriand, “ banished from their lessons the tone of pedantry, so displeasing to youth. As most of the professors were men of letters, whose company was sought by the world at large, their disciples thought themselves in a polite academy; friendships were formed between them and their masters, which ever afterwards subsisted for their mutual good.”

No attachment could exceed that of a boy brought up under them to his master. “ I myself,” says one of the authors of the *Réponse aux Assertions*, speaking of their final banishment from France, “ was present at the moment of the separation of the scholars, from their masters in the collège de Louis le Grand. Stupified with grief, they tore themselves either in silent sorrow, or with tears and sobs, from the embraces of their masters.

“ Our enemies know that I exaggerate nothing.  
“ They themselves beheld it, and it increased their  
“ irritations : they comforted themselves by hoping  
“ that, in time, the impression would die away.”

But the zeal of the jesuits was not confined to the catechism or the college. The pulpits resounded with their predication ; confessionals abounded with their penitents ; the sacred tables with their disciples, and repentance and resignation flocked with them, at all hours, into hospitals and prisons. They had their ascetics and their contemplatives ; but the devotion of common life,—that devotion, in describing and inculcating which, in his “ Introduction to a devout Life,” St. Francis of Sales was so eminently successful,—the jesuits had a particular talent in disseminating. The most useful of all pious practices, but, till then, too much confined to the cloister, pious meditations on the life of Christ, on the four last things, and the motives of loving or fearing God, they adapted to the most ordinary capacities. The exercises of St. Ignatius, a course of meditations composed by him for the general use of the faithful, are equally suited to the highest and the meanest capacities ; no one has yet read them without fruit.

“ Simple and easy exercises of piety,” says the cardinal de Baussêt, “ familiar instructions, proportioned to every condition, and nowise interfering with the labours or duties of society, served to uphold, in every state of life, that regularity of manners, that spirit of order and subordination, and that wise economy, which preserve peace and



“harmony in families, and assure the prosperity of  
“empires. The principal towns of France, still  
“remember, that there never was more order and  
“tranquillity, more probity in dealings, fewer fail-  
“ures, or less depravity, than, while these congre-  
“gations lasted. The jesuits had the merit of at-  
“tracting honour to their religious and moral cha-  
“racter, by a severity, a temperance, a nobleness  
“of manners, and an individual disinterestedness,  
“which even their enemies could not deny.” These  
expressions of the cardinal are particularly remark-  
able, as they were written more than thirty years  
after the destruction of the order; and many years  
before the slightest expectation of its renovation  
was entertained.

Learning has not been more ably cultivated or  
more actively diffused than by the jesuits. They  
possessed in the supreme degree, the art of un-  
folding talent, and directing it to the object, in  
which nature designed its owner to excel. Did a  
young jesuit possess a talent for the pulpit? his  
masters were sure to discover it, and he became a  
Bourdaloue, a la Rue, a Segaud, a Neuville or a  
Beaurégarde. Did he discover a turn for serious  
studies, for literary discussion, for philosophy, for  
mathematics, for theology, for profound research?  
to these he was directed, and became a Petau, a  
Sirmond, a Cossart, a Bougeant, a Tournemine, a  
Rossweide or a Papebroock. Was he enamoured  
with classical lore, or with poetry? he was con-  
signed to the muses, and became a Brumoi, a  
Cerçeau, a Bouhours, a Rapin, a Commire, a

Casimir, a Vanier, a Juvenci or a Berthier; and the fruits of his pen, always elegant, but always chaste and always moral, found their way into the hands of every man of taste and letters.

But they had no philosophers! So said d'Alembert, and so said la Châlotaix. "When I read this assertion," says la Lande, the celebrated astronomer, "I was employed in framing the index to my History of Astronomy. I immediately drew up a list of jesuits eminent in that science; I was astonished at their number. Afterwards, in 1773, I met la Châlotaix at Saintes; I reproached him with his injustice, and he admitted it. But the jesuits were then no more! Two men, Cavalho and Choiseul, had destroyed the most beautiful edifice constructed by man! An edifice, to which no establishment under heaven will ever approach! The eternal object of my admiration, my gratitude and my regrets." Such is the candid language of la Lande.—"Men of learning!" a true and impartial friend of the jesuits\*, once exclaimed, "whatever be your pursuits, your country, or your creed, ask your own hearts if you have not some obligation to the jesuits? Have they not opened to you some door to knowledge? Some to science? Some to taste? Have they not abridged to you some literary labour? Soothed to you some scientific toil?—Men of learning!—wherever you are,—love the jesuits,—to all of you they have been friends."

\* The writer of a Letter signed S. in the Catholic Gentleman's Magazine for August 1818.

It should be remarked, that the system of educating children, in graduated bands, taught and inspected by one of themselves, for which Lancaster and Bell enjoy so much rival fame, was in universal use among the jesuits before the seventeenth century. Nor should it be forgotten that they had preceded this country, in noble efforts for the abolition of the slave trade. No friend to that measure can read the twenty-third chapter of Mr. Southey's *History of Brazil*, without venerating the exertions of father Lorenzana in this glorious cause.

### LXXV. 3.

#### *Their Missions in Paraguay.*

BUT, to appreciate justly the merits of the jesuits, we must traverse the ocean, and contemplate the jesuit missionary with his breviary under his arm, his beads fastened to his girdle, and his crucifix in his hand, presenting himself to the barbarous, suspicious, and cruel inhabitants of the Indian woods or morasses. Sometimes he is immediately massacred \* ; sometimes, the savages fly from him :—he

\* From two works of character,—*Societas Jesu, usque ad sanguinem et vitæ profusionem militans, pro Deo, fide, ecclesiâ, pietate* :—sive vita et mors eorum, qui ex societate Jesu, in causâ fidei et virtutis propugnata, violentâ morte sublatisunt : auctore, R. P. Matthiâ Tanner, e soc. Jesu, s. s. theologiæ doctore, Pragæ, 1675 : and *Fasti Societatis Jesu ; opera et studio, R. P. Joan. Drewe, s. s. Pragæ, anno 1750* ;—it appears that,—in Africa 68,—in Asia 131,—and in America 55 jesuits had, before that time, suffered death, often after grievous



runs after them, and, by words or signs, points at the heavens, and announces to them his wish to render them worthy of being the inhabitants of that better world. He shews them his crucifix ; he informs them that the Son of God, whose image they behold on it, died on the cross for them, to free them from darkness, and to obtain for them everlasting life. He makes them little presents, or sings to them a pious canticle : by degrees, he obtains their affection and confidence. Then, he propounds to them the saving truths of the gospel ; these penetrate their hearts.—Finally, like the eunuch, in the Acts of the Apostles, they pray for the sacred water of regeneration : one after another they flock to the sacred fount ; by degrees, the whole community becomes christian. Their rudeness, savageness, barbarism and immorality disappear ; they become mild, benevolent, humane and holy. Other communities join them.

Thus, were 300,000 Indian savages, collected in Paraguay ; reclaimed from barbarism and vice, and exhibited, in the simplicity of their manners, and the purity of their minds, the mild and unpretending virtues of the primitive christians. To the happiness and piety of this fortunate portion of humanity, several writers of the first eminence, a Muratori, Montesquieu, Raynal, and Leibniz bear ample testimony.—Mr. Southey, the poet laureat, though generally hostile, in his writings, to the torments,—for propagating the faith of Christ.—The number of those who have since suffered death in the same cause, cannot be inconsiderable.

catholic religion and to catholic institutions of every kind, observes, that, “ the Indians could not contemplate without astonishment the conduct of the jesuits ; their disinterested enthusiasm, their indefatigable perseverance, and the privation and danger, which they endured for no earthly reward. They, who had only heard of these wonderful men, became curious of seeing them ; but they, who once came within the influence of such superior minds, and felt the contagion of example, were not long before they submitted to the gainful sacrifice of their old superstitions\*.” In a subsequent part of the same work, Mr. Southey notices the pomp, with which the secular year of the foundation of the society of Jesus was solemnized in South America. “ At one place,” we are told by him, “ six hundred triumphal arches were erected by the Indians, and decorated with all the ornaments and good things, which they possessed : a display of the benefits, which they, above all men, derived from the society : the centenary of their institution could not be celebrated by these tribes with more gratitude and joy, than were justly due †.”

## LXXV. 4.

*Their Missions in China.*

IN China their religious labours were equally successful. In 1552, St. Francis Xavier reached Macao. In 1715, the number of the christians in

\* History of Brazil, vol. ii. p. 299, 300.

† Ibid. p. 331, 332.

China amounted to 300,000, and they possessed 300 churches. In their propagation of the gospel in China, the jesuits shewed great good sense. They did every thing to conciliate public and individual favour ; they carefully abstained from every thing that had a tendency to draw on them public, or individual dislike ; and, so far as it could be done without trenching on the essentials of religion, they accommodated their instructions to the opinions and feelings of the country. In some instances, they were supposed to carry this spirit of accommodation too far, and by a papal bull, they were obliged to retrace some steps of their conciliating advances. Their readiness to comply with the bull did them honour.

Between the years 1581 and 1681,—126 European jesuits were employed in the missions in China. “ It must,” says sir George Staunton \*, appear a singular spectacle to every class of beholders, to see men, actuated by motives, different from those of most human actions, quitting for ever their country and their connections, to devote themselves for life, for the purpose of changing the tenets of a people, they had never seen ; and, in pursuing that object, to run every risk, suffer every persecution, and sacrifice every comfort ; insinuating themselves,—by address, by talent, by perseverance, by humility, by application to studies, foreign from their original education, or by the cultivation of arts, to which they had not been bred,—into notice and protection ;—over-

\* Embassy to China, vol. ii. p. 159.



“ coming the prejudice of being strangers in a  
“ country, where most strangers were prohibited,  
“ and where it was a crime to have abandoned the  
“ tombs of their ancestors ; and gaining, at length,  
“ establishments necessary for the propagation of  
“ the faith, without turning their influence to any  
“ personal advantage. Every European,” sir George  
adds from his own experience, “ was greeted by  
“ them, as countrymen, entitled to regard and ser-  
“ vice.”

All the information, which the missionaries could acquire of the learning, the arts, and the sciences of China, they transmitted to Europe. It is principally to be found in their “ *Lettres Edifiantes et Curieuses*,” of which Fontenelle said, that “ he  
“ had never read a work which answered better to  
“ its title.” To the general accuracy of these letters, and of the works of father du Halde and father Gaubil, the interesting account published by sir George Staunton of his embassy to China bears testimony ; and the writer of these pages, has often heard him speak of them, in terms of high commendations \*. La Croze mentions with praise the account given of Armenia, in the third volume of their “ *Nouveaux Mémoires des Missions du Levant* :” and, as Mr. Gibbon justly observes†, the work of a jesuit must have sterling merit when it is praised by la Croze.—Such was the conduct of the jesuits in China.—May it not be confidently asked,

\* *Histoire du Christianisme de l’Ethiope et de l’Arménie*,  
p. 269, 402.

† Chap. xlvii. note 148.

whether history records an instance, in which science has been made more subservient to the faith of Christ?

## LXXV. 5.

*Their Antichristian and Anticatholic Adversaries.*

SUCH have been the services rendered by the jesuits to religion, to letters, to civilized and uncivilized society. With such titles to gratitude, is it not surprising, that they should have had so many enemies? But,—such has been the general fate of benefactors to humanity!—how few of these have closed their labours, without

“ ————— a sigh, to find,

“ Th’ unwilling gratitude of low mankind!”

POPE.

Among the enemies of the jesuits, several are found, whose hostility must be thought, by all christians, to reflect honour on the society. When we open the correspondence of Voltaire and his intimates, and observe their furious and determined hatred of christianity, and their schemes and efforts for its destruction, and find at the same time, their avowed enmity to the jesuits, as their most formidable opponents, surely all, who invoke the name of Christ, must think with respect and gratitude, of the jesuits, as the ablest defenders, in the opinion of its bitterest enemies, of their common christianity? By the same principle, when a catholic finds the polemic hatred, which the early disciples

of Luther and Calvin discovered, in all their writings, against the jesuits, it should elevate them in his opinion, as the hatred evidently proceeded, from its being felt by the lutherans and calvinists, that the jesuits were in their time, the most powerful champions of the catholic faith.

Great, however, is the force of truth!—When antichristian and anticatholic feelings have not guided their judgments, the atheist, the deist, and the protestant, has equally done justice to the jesuits. Ardent for their expulsion from every other kingdom, Frederick of Prussia, prudently preserved them in his own, and heartily laughed at the vagaries of the philosophers, who solicited their banishment. “I cannot,” says lord Bacon, “contemplate the application and the talent of these preceptors, in cultivating the intellects, and forming the manners of youth, without bringing to my mind, the expression of Agesilaus to Pharnabazus;—‘Being such as you are, is it possible that you should not belong to *us*.’—I am persuaded,” said Leibniz, the most universal scholar, and one of the most profound mathematicians and metaphysicians of his age, “that the jesuits are often calumniated, and that opinions, which have never come into their minds, have often been imputed to them.” The count de Merode, having informed Leibniz that he had purchased the *Acta Sanctorum of the Flemish Jesuits*, now filling eighty volumes folio, and still unfinished, Leibniz pronounced a panegyric on the work, and declared that, “if the jesuits had pub-



lished no other, that work alone entitled them to existence, and to be sought for and esteemed by the whole world."—We have already cited one passage from la Lande, the celebrated but infidel astronomer. In another, after mentioning several ridiculous charges which had been made against himself, he speaks of the jesuits, as follows; " Among other crimes imputed to me, it is asserted, that, in my travels, I served the mass of a jesuit. All this is too idle to answer ; but I must freely own to you, that the name of jesuit interests my heart, my mind, and my gratitude ; and revives my regret for the blindness of the persons in power, in 1762. —No ! the human species has lost for ever, and it never will regain, that precious and wonderful re-union of 20,000 men, unceasingly and disinterestedly occupied in instructing, preaching, missions, reconciliations, attending the dying, and other exertions of the tenderest and dearest functions of humanity. Retirement, frugality, renunciation of pleasure, made this society a surprising assemblage of science and virtue. I have been a near observer of them, they were a people of heroes, in the cause of religion and humanity, religion furnished them with means which philosophy does not supply. In my fourteenth year, I admired them : I asked to be admitted among them : I regret that I did not persist in my vocation ; innocence and the love of study inspired me with it."

## LXXV. 6.

*Their Catholic Adversaries.*

SUCH were the antichristian and anticatholic adversaries of the jesuits: some adversaries, however, and these as terrible as any, they had, within the catholic pale. But this leads to a variety of subjects. All the accusations which these urged against them, may be found in the “*Histoire générale des Jésuites*” “*of la Coudrette*,”—the “*Provincial Letters*,”—“*the*” “*Rapports of Montclar, and la Châlotais*,”—“*the*” “*Morale Pratique des Jésuites*,” and the “*Extraits des Assertions dangereuses et pernicieuses en tout genre, que les soi-disant jesuites ont, dans tous les tems, et persévèrement, soutenues, enseignées, et publiées dans leur livres, avec approbation des supérieurs et généraux.*” On each of these works, we shall trouble our readers with a single observation. Those, who wish to see fuller answers to the charges brought against the jesuits, should peruse the “*Apologie de l’Institut des Jésuites.*”

1. With respect to *la Coudrette*;—that *he* was a party man cannot be denied. Like those of all party writers, his works should, therefore, be read with some distrust; and nothing resting on his single assertion, should be admitted, without some hesitation.

2. With respect to the *Provincial Letters*;—few have read or meditated upon them, with more attention than the writer of these lines; but he has also read and meditated upon the answer to them of

father Daniel, in his “Dialogues de Cleandre et d’Eudoxe;” and, previously to his perusing either, he placed himself in that perfect state of doubt and impartiality, which Descartes requires from a disciple, who enters on *his* meditations. The result was, that father Daniel appeared to him so often victorious in the combat, as to leave little that could be justly charged on the individual members, and nothing that could be charged on the body of the society. If any of his readers have proceeded in the same manner, and arrived at a different conclusion, far be it from the writer of these lines to question his sincerity: but he claims an equal allowance of sincerity for himself, and for all,—(they are both respectable and numerous),—who agree with him in opinion, that the author of the *Provincial Letters* is as often inaccurate and unfair, as he is witty or eloquent.

“The whole of these letters” says M. de Voltaire, “is built upon a false foundation, as the extravagant notions of a few Spanish and Flemish jesuits, are artfully ascribed in them to the whole body.” This, to every one, who peruses father Daniel’s answers, must appear evident. A better answer to them, however, is supplied by the sermons of father Bourdaloue. To the whole of *his* doctrine every jesuit subscribes; from the whole of the doctrine, imputed to them by Pascal, every jesuit dissents:—which should be thought the doctrine of the order?

We must add the testimony of Fénélon.—“As to the *Provincial Letters* of Pascal,”—thus the



archbishop writes to the duke de Beauvilliers, “ I think the duke of Burgundy should read them : in fact, sooner or later, he will read them. His curiosity, his taste for entertaining books, and the great reputation of the Letters, will not suffer him to remain long in ignorance of them. But I wish all possible precautions should be taken, that he should know what measure of truth they contain, and not be seduced by the appearance of truth, which they wear. Part of the memorial, which I send you, furnishes an antidote against the two first letters of Pascal. It is more than sufficient to shew the hidden poison of the Letters, and to prove that, in her censures of jansenism, the church does not combat a phantom.”

3. With respect to the *Morale Pratique*, the *Rapports*, and the *Extraits des Assertions*:—May the writer be permitted to observe, that no one should form any conclusion from these, if he has not read the *Réponse aux Assertions*\*. In this work, the jesuits charge the author of the Assertions, with 758 falsifications and alterations of the texts cited by him. They produce from the text, every passage pronounced by them to be falsified or altered, and confront it with the corresponding passage in the work of their adversary. Now, both in courts of law and out of them, it is a received axiom, that a person who denies a charge, is to be reputed innocent of it, until it is proved on him by proper evidence. Surely, therefore, none, who have not examined a large proportion, at least, of these pas-

\* Published in 1763, in 3 large 4to. volumes.

sages, and found them misrepresented by the jesuits, should pronounce them guilty of the doctrines imputed to them, by the author of the *Assertions*. It cannot be expected of many, that they should read the three ponderous volumes, to which the writer has referred; if, however, any person should be disposed to give a serious consideration to the subject, he should, at least, read the pages, not very numerous, that compose the *Examen du Procès Verbal*, which concludes the work. Greatly surprised indeed will the writer of these lines be, if a single person, who reads them, should not concur with him in thinking that the persons, who drew up the *procès verbal*, possessed no ordinary share of intrepidity.

## LXXV. 7.

*Their alleged Advocacy of the Pope's Divine Right to Temporal Power in Spiritual Concerns.*

ONE further charge against the jesuits, requires notice.—It is objected to them, that the president de Thou discovers, in many parts of his History, a spirit of hostility towards them.—But this does not prejudice them in the opinion of any person acquainted with the history of France during that period. While the president was employed on his immortal work, France was just delivered from the horrors of the league, and a numerous and powerful party fomented within the kingdom, by Philip II, still abetted its views. In the prosecution of them, the leaguers had availed themselves,

and their remaining partisans still continued to avail themselves, of the ultramontane doctrines on the pope's deposing power. To these, the regular clergy, were supposed to be particularly favourable; now, among the regulars, the talents, activity and popularity of the jesuits, had elevated them, both in merit and in public opinion, to a considerable eminence. This exposed them to the president's severities, from which the obscurer destinies of others protected them. But it has been proved to demonstration, that their conduct was more moderate than that of any other religious body engaged in the league.—It is evident that they were soon taken into favour by Henry IV, and that he warmly protected them : but it is not so generally known, that the chancellor l'Hôpital\*, whose mind was as loyal, whose principles were as friendly to civil and religious liberty as those of de Thou, and whose talents for business were greatly superior, was favourable to the jesuits, and a decided encourager of their schools.

This leads us to consider the general charge of ultramontane doctrine respecting the temporal power of the pope in spiritual concerns, which has been often brought against the sons of Loyola. Upon this charge, we beg leave to present our readers with the following short exculpatory observations.

1. It is certain that the belief of the pope's right to direct supreme temporal power was once prevalent in every state, and among every description of

\* See the Life of the Chancellor l'Hôpital, by the writer of these pages.



men in christendom. This opinion the jesuits did not introduce ; they found it fully established : it would therefore be monstrous to attribute the origination of it to them.

2. Especially as so far from introducing, they were the first who opposed it. Bellarmine, one of their most eminent lights, absolutely denied, that the pope, by divine right, possessed directly, out of his own state, any temporal power : he taught that the temporal power of the pope was merely indirect, being confined to a right of exercising a temporal power, or of causing it to be exercised, when this was absolutely necessary to effect a great spiritual good, or to prevent a great spiritual evil. This was a considerable reduction of the power ascribed, till that time, to the pope ; and it gave great offence to the Roman see\*.

3. Even this mitigated doctrine was never taught by the jesuits in any state by the government of which it was not avowedly tolerated. It was tolerated, and the jesuits therefore taught it in Rome, Spain, Germany, Hungary, Poland and several states of Italy : but it was not tolerated, and the jesuits therefore did not teach it in France, or the Venetian states.

4. Where it was formally proscribed by the state, it was formally proscribed by the jesuits. Several

\* Ayant pris un sentiment mitoyen touchant le pretendu pouvoir du pape sur le temporel des rois, il ne plut ni à Rome ni en France.—L'Advocat, art. Bellarmine.

instances of this will be produced in the following section \*.

5. To this, England unhappily forms an exception. There, the deposing doctrine was proscribed by the state; and, for a period,—much too long,—was not disavowed either by the jesuits or the general body of the clergy: but the cause of this protracted delay of the disavowal, is its excuse. The heap of sanguinary, penal and disabling laws, passed by Elizabeth, and the three first princes of the house of Stuart, against the catholics, drove all persons educated for the priesthood, to the territories of the pope or the Spanish monarch. This rendered them, in a great measure, dependent, for their subsistence and education, on those powers; they were therefore taught the doctrines of their schools. This circumstance we may lament, but no person of candour who does lament it, will ever be inattentive to its exculpating cause.

6. He will also acknowledge, that no sooner did England cease to be cruel, than every idea of the pope's temporal power began to vanish. The catholics crowded to take the oaths prescribed by the acts of 1778, 1791 and 1793; and the jesuits took them as readily and unreservedly as the others†.

\* See the excellent defence of the society against this charge, in father Griffèt's *Réponse aux Assertions*, vol. iii. ch. ii. art. 2.

† After all,—the indirect power of the pope, though a doctrine absolutely insupportable in argument, was not found to be in practice quite so mischievous as it is generally described.

7. It should be added, that the constitutions of the order most explicitly prohibited to its members every kind of interference in state concerns, or temporal matters; and that this was specially prohibited by Aquaviva, general of the order, to the English jesuits: therefore, if Persons or any other individual offended in this respect, the offence was his own, the order was blameless.

8. It is idle to pursue the subject further. To quarrel with the jesuits of the nineteenth century because some of the order advocated the pope's

It had even this advantage, that, on several occasions, during the boisterous governments of the feudal princes, it often proved an useful restraint, in the absence of every other, both on the king and the great nobility, and protected the lower ranks of society from their violence and oppression. Add to this,—that, when the pope proceeded to extremities against any sovereign, the clergy generally rallied round the monarch, and the people adhered to the clergy.—This produced a suspension of aggression:—the pontiff had time to think of his rashness, the monarch of his violence; and some expedient was devised which led to good.

Contraries often meet in extremes.—Many a bitter word has been applied to the deposing doctrine of Persons and Mariana: but it bears a nearer affinity to the whiggish doctrine of resistance, than is generally supposed. The whigs maintain that the people, where there is an extreme abuse of power,—of which abuse, the people themselves are to be the judges,—may dethrone the offending monarch. The good fathers assigned the same power to the people, in the same extreme case, but contended that, if there were any doubts of the existence of the extremity, the pope should be the judge.—Of the two systems, when all christendom was catholic, was not the last, speaking comparatively, the least objectionable?



temporal power in the reign of queen Elizabeth, or her immediate successor, is as preposterous, as to charge the present presbyterians with maintaining the lawfulness of religious persecution, because Calvin consigned Servetus to the flames, and Beza lauded him ; or to impute the belief of sorcery to his majesty's present judges, because lord Hale convicted some witches capitally in the seventeenth century ; or to impute the doctrine of passive obedience to the present bishops, because the divine right of kings was maintained by some of their predecessors in the eighteenth\*.

### LXXV. 8.

*Their alleged Exemption from the Civil Power in consequence of Papal Bulls and Briefs.*

WE have now to notice the charge brought against the jesuits from the bulls and briefs, by which popes have affected to exempt the jesuits from the civil power.

But these bulls and briefs, so far as they have this tendency, make no part of the institute of the

\* " I mention this oversight," says the late learned John Porson,—in one of his letters to Travis, in which he speaks of a mistake of an eminent writer,—“ merely to strengthen an opinion which I have long entertained and will always resolutely defend, that all men are liable to error.”—If the writer of these pages might be permitted to add his aphorism to that of Mr. Porson, he would, to use the language of that gentleman, say, that, “ it is an opinion, which he has long entertained, and will always resolutely defend,—that no man is so bad as his polemic adversary describes him.”

society. In the *Apologie de l'Institut des Jésuites*, one of their standard works of defence\*, this is explicitly asserted. The author of it proves, by numerous examples, that, while the jesuits would rather die, than give up their institute, they resign, without reserve, all claims to these exemptions, when they are repugnant to the laws of any country in which they settle.

Thus,—in 1611, 1626 and 1713, they recognized the absolute civil independence of the sovereign on the pope, in solemn instruments, signed by them, with every legal formality, and entered on the records of the parliament of Paris.

In a former part of this work, the writer has mentioned the declaration of the Gallican clergy in 1682. The first article of it proclaims the absolute civil independence of the sovereign on the pope. Now, these articles were taught in all the schools of the French jesuits, and in 1757 and 1761 they formally and explicitly avowed their adherence to them. It has been related, that this was certified to the court, by the bishops of France;—it ought to have been added, that, at this time, the gale of promotion veered in the opposite direction, so that a certificate of the contrary was then much more likely to obtain the favours of court.

Finally,—“ In the year 1761,” say the authors of the *Réponse aux Assertions*†, “ at which time, “ the jesuits were most bitterly attacked for their “ institute and doctrine,—a model of a declaration

\* Tom. ii. c. 27. † Vol. iii. p. 597.

“ was sent to the five provincials of the jesuits in  
“ France, by the chancellor Lamoignon ; and a  
“ copy of it was desired to be returned to him,  
“ signed by the priests and young jesuits of all the  
“ colleges and houses in the kingdom. All their  
“ signatures were accordingly given and trans-  
“ mitted to the chancellor.”—The declaration is  
thus expressed :

“ First, that they hold and profess, and will  
“ ever hold and profess, that, in no circumstance,  
“ in no place, under no pretence of tyranny, or  
“ vexation from persecution, on no account of re-  
“ ligion, under no other possible pretence, it is  
“ lawful, or can be made lawful, for any person,  
“ whatever be his state or condition, to make any  
“ attempt, directly or indirectly, on the persons of  
“ sovereigns ; or to speak, write, insinuate, favour,  
“ or do any other act, which can tend to endanger  
“ their safety :—that they condemn and detest, as  
“ pernicious and deserving the execration of all  
“ ages, any doctrine to the contrary, which may be  
“ found in any works, that may have been com-  
“ posed, either by any member of their society, or  
“ by any other person, whosoever he may be.

“ Secondly,—That they hold and profess, and  
“ will ever hold and profess, the doctrine of the  
“ clergy of France, declared in their assembly of  
“ 1682 :—consequently, they teach, and always will  
“ teach, that the power, given by Jesus Christ to  
“ St. Peter, to his successors, and to the church  
“ itself, is purely spiritual, and extends to that only,



“ which belongs to eternal salvation ; that they  
“ have no power over any thing that concerns tem-  
“ porals ; and that thus the power of sovereigns in  
“ temporals is so totally independent of every spi-  
“ ritual power, that in no case, for no cause, and  
“ on no pretence whatever, can they, either directly  
“ or indirectly, be deposed by the power of the  
“ keys, or their subjects absolved, from their oath  
“ of allegiance.

“ Thirdly,—That they are, and always will be,  
“ subject to the laws, ordinances, regulations, and  
“ usages of the kingdom, in the same manner as all  
“ other subjects of the king, either spiritual or lay :  
“ as also, to the rules of the discipline and the com-  
“ mon law of the church, in the same manner as  
“ these are binding on the other religious persons  
“ in the kingdom, and that they cannot attempt  
“ any thing contrary to the rights of the bishops,  
“ curates, universities, or others :—or make any use  
“ of any privilege, whatever it may be, except so  
“ far as it is conformable to the import of the laws  
“ and maxims of the kingdom.

“ Fourthly,—That, if it should happen,—(which  
“ may God forbid),—that they should be ordered by  
“ their general, or by any other person, invested with  
“ any authority, whatever it may be, to do, (contrary  
“ to the declarations above expressed), any thing  
“ against the laws of the church or the state, to their  
“ duty to their sovereigns, or to the public welfare  
“ or tranquillity, they declare, that they hold, and  
“ ever will hold, such decrees or instruments, to be  
“ null,—on every ground of right, (*de plein droit*) ;

“and that they would be, and would consider themselves obliged to disobey them\*.”

## LXXV. 9.

### *The Dissolution of the Society.*

IT does honour to christianity, that the first persecution of her was set on foot by Nero : it does similar honour to the jesuits, that the first perse-

\* The *Monita Secreta*, or Private Instructions,—a publication sometimes brought forward against the jesuits,—is a most infamous work, and wholly beneath notice.—It supposes, that the society has a deliberate plan of subjugating the universe to its sway, with a settled determination that, where any villainy would avail towards the accomplishment of this object, its members should adopt any villainy : that this horrid project was reduced to system ; that this system is expressed in the *Monita Secreta* ; and that these were put into the hands of the elect, to be used by them, whenever occasion should make it expedient.

Is this possible ? Has it entered into the mind of man to conceive such an infernal plan ?—When the queen of France was charged with corrupting the morals of her son, she nobly appealed for the impossibility of the charge, to the feelings of every mother ;—and the feelings of every mother absolved her.—For the impossibility of the genuineness of the *Monita Secreta*, the jesuits may appeal, with equal confidence, to the feelings of every gentleman in the universe.—There does not live the jesuit, or the scholar of a jesuit, who, if any one of the doctrines, which it inculcates, or any one practice, which it recommends, were proposed to him, would not spurn it with indignation.

Neither the original, nor any certified copy, of this vile book was ever produced ; no circumstance respecting its discovery, ever proved ; no collateral fact to establish its authenticity, ever published.

cution of them was set on foot by the marquis de Pombal, the most sanguinary and remorseless minister of state, that appeared in the last century. The charge, which he brought against the jesuits, was, that they were parties to a plot, for the assassination of the Portuguese monarch. Now, that such a plot existed, is very doubtful:—that the jesuits were concerned in it, has not been shewn by the slightest evidence. For their supposed participation in it, they were banished from Portugal in 1759.

In the following year, the attack was made upon them in France. Father de la Valette, the procurator of their house of St. Peter in Martinique, and the superior-general of their missions in the Leeward Islands had the direction of some plantations, which belonged to the society; and, from the produce of which, their missions in those islands were altogether supported. He made a large consignment of colonial produce to the house of Lionçys and Gouffre, at Marseilles, and drew on them for the amount of two-thirds of it, by bills payable at a distant day. The Lionçys and Gouffre accepted the bills; the ship, charged with the consignment, was captured by the English; the bills became due, were dishonoured and protested: the Lionçys and Gouffre became bankrupts; and their effects were assigned, in the usual manner, to the syndie of Marseilles, for the benefit of the creditors. It was contended, on the part of the creditors, that, under the circumstances of the case, the general body of the society was answerable for the debt. This, the



jesuits denied, and the cause was brought before the parliament of Paris. In support of their defence, the jesuits alleged their constitutions. Here, their enemies awaited them ; and the parliament instantly ordered them to produce their constitutions in court and deposit them in the Grêffe. On the 8th of May 1761, the cause was decided in favour of the creditors.

The parliament did not rest there ; it proceeded to an examination of the constitutions, and by an arrêt of the 6th of August 1762, declared the bulls, briefs, constitutions, and other regulations of the society, to be abusive ; and dissolved the society within the limits of their jurisdiction. Some other parliaments of France proceeded in the same manner. Finally, by an edict of 1763, Lewis XV. suppressed the society within his dominions. They were banished by the king of Spain, in 1767 ; by the king of Naples, the duke of Parma, and the grand master of Malta, in 1768 ; and were wholly suppressed by pope Clement XIV. in 1773.

“ In general,” says the author of the *Vie privée de Louis XV.*\*—and he certainly cannot be accused of partiality to the order,—“ the more numerous and respectable portion of the nation regretted the jesuits. If this great cause had been heard, with the solemnity and gravity due to its importance, the jesuits might have thus addressed the magistrates;—‘ You ! all you, whose hearts and understandings we have formed, answer, before you condemn us, these questions ! We appeal to

\* Tom. iv. p. 61.

“ the judgment, which you formed of us, in that age,  
“ when candour and innocence reigned in your  
“ hearts. Now, therefore, come forward! Declare!—  
“ Did we in our schools, in our discourses, or in  
“ the tribunal of penance, ever inculcate to you,  
“ any of those abominable maxims, with which we  
“ are now reproached? Did you ever hear them  
“ fall from our lips? Did you ever read them in  
“ the books, which we put into your hands? Did  
“ you ever observe in our public or private conduct,  
“ any thing approaching to them? Is it upon a  
“ few passages, torn and twisted from books, long  
“ buried in the dust of libraries, that we should be  
“ judged? Should it not rather be on the doctrine,  
“ which you heard from us,—when you filled our  
“ colleges, when you attended in our schools, our  
“ pulpits and our confessionals? Is there among  
“ you, one, who has heard from us, even a single  
“ maxim, with which we are now charged? Why,—  
“ the jesuits might have continued, ‘ did *you* send  
“ *your* sons to *our* schools, if *you* had been taught,  
“ or did seriously suspect *us* of teaching, in them,  
“ bad morality.’

“ Alas!” continues the same writer, “ the magistrates said all this to one another:—in private, they held no other language; but they were no sooner seated on the bench of justice, than they were overpowered by their fanatical and louder brethren.”

At the time of its dissolution, father Ricci, of an illustrious house in Florence, was the superior-

general of the society. He, and several others of its most distinguished members, were, on a sudden, imprisoned, by the order of pope Clement XIV, and, after some change of prison, conveyed to the castle of St. Angelo, and closely confined. They underwent separate interrogatories. Two questions only, in these interrogatories, seem to deserve notice.—The general was asked “If there were abuses in “the order?” He replied, that, “through the “mercy of God, there were no abuses, that could, “in anywise, be called general ;—on the contrary, “there was great regularity, piety, zeal, and particularly great union and charity ; this was demonstrated by the circumstance, that, during “fifteen years of extreme tribulation, there was no “internal trouble or tumult ; and that all remained “attached to their state, though excessively persecuted. This did not prevent particular abuses “from rising, through human frailty,—to which “proper remedies were applied.”

The other question, which we shall notice, respected the wealth of the society.—Its enemies had foretold that its dissolution would lead to the discovery of immense treasures.—In no country, from which they were expelled, was this wealth, or the slightest vestige of it, discovered. This, the enemies of the society accounted for, by supposing, that, foreseeing the storm which was to burst upon them, the persons entrusted with the management of its funds, had transmitted them to Rome. “Their “avidity for the good things of this world,” says the



author of the celebrated treatise, *Du Pape et des Jésuites* \*, “is one of the greatest reproaches made to the society, in the brief of Clement XIV ; and yet, at the moment of their dissolution, they were encumbered by a heavy debt. This is an enigma, which can only be explained by a fact sufficiently known,—that they were obliged to send, every year, to Rome, the fruit of their economy and savings ; that these sums were put under the disposition of the general ; who, by their constitutions, was the sole proprietary of the company. By these means, a portion, not inconsiderable, of the revenues of the state flowed, furtively, through secret canals to swell a foreign treasure, and often served suspicious purposes.”

The supposed treasures were, however, quite as invisible at Rome, as in any other place.—At the interrogatory which has been mentioned, the general was strictly questioned respecting the amount of the wealth of the society, and his sending it from Rome to prevent its seizure ;—“Neither I myself,” answered the general, “nor any person, within my knowledge, has sent a single penny of our property out of Rome, or placed it in any bank. The persuasion of our treasures, either hidden or invested, is extremely false,—a popular rumour without a foundation ; probably invented by our enemies, or arising from the splendour of our churches. The belief of it is a mere dream, a delirium,—a real mania. I am surprised to find, even honourable persons give credit to this fable ;

\* 2d edit. p. 17.

“ they should be convinced of its falsehood by the  
“ multiplied and strange searches so fruitlessly made,  
“ both in Rome and other countries, to discover  
“ this imaginary wealth. The amount of the  
“ money, subject to my free disposition, was very  
“ inconsiderable.”

On the 19th of November 1775, feeling himself near his end, the general desired to receive the sacrament of the holy eucharist. The chaplain of the castle brought it to him; and just before he received the salutary host, the general, in the presence of the vice-governor of the castle, of don John, his secretary, of the brother Orlandi, an ex-jesuit, the serjeant Vennini, the corporal Piannarra, nine soldiers, and some other persons, who assisted at the ceremony,—solemnly pronounced, from a written paper, which he held in his hands, a declaration, of which the following is an extract :

“ Considering myself on the point of being pre-  
“ sented before the tribunal of infallible truth and  
“ justice, which is no other than the Divine tri-  
“ bunal,—after long and mature consideration, after  
“ having humbly prayed my most merciful Re-  
“ deemer and terrible Judge, not to permit that I  
“ should allow myself to be led away by any passion,  
“ particularly in one of the last actions of my life,—  
“ without any bitterness of heart, or any vicious  
“ motive or end, and only because I hold myself  
“ to be obliged to do justice to truth and inno-  
“ cence,—I make the two following declarations  
“ and protestations :

“ First,—I declare and protest, that the sup-

“ pressed society of Jesus, has given no ground for  
“ its suppression : I declare this, with all the cer-  
“ titude, that a superior, well informed of his order,  
“ can morally have.

“ Secondly,—I declare and protest, that I have  
“ not given any ground, not even the slightest, for  
“ my imprisonment. I declare and protest this,  
“ with that rectitude and evidence which every one  
“ hath of his own actions. I make this second  
“ protestation, only because it is necessary to the  
“ reputation of the society of Jesus, of which I was  
“ superior-general.”

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That the society fell with dignity, is admitted even by their enemies. “ Let not,”—(wrote father Neuville in a letter to one of his brethren),—“ a word, a look, a single sigh of complaint or murmur escape you. A respect, which should not fail you during an instant, for the holy see, and for the pontiff, who fills it ; perfect respect for the rigorous, but always adorable decrees, of Providence, and for the powers, whom she employs in the execution of her designs,—the depth of which it is not for us to fathom ;—these are our duties. Let our sorrows, our groans, our tears never escape us, except in the presence of God, and in his sanctuary ; let our grief be expressed before men, no otherwise, than by the silence of modesty, peace and obedience ! Let us forget, neither the instructions, nor the examples, for which we



“ are indebted to our society ! Let us shew, by our  
 “ conduct, that she deserved a better fate ! And let  
 “ the words and actions of the sons vindicate the  
 “ mother ! This will be her most powerful and able  
 “ defence : it is the only defence, which is per-  
 “ mitted to us. We wished to serve religion, by  
 “ our zeal and talents ; let us endeavour to serve  
 “ her, by our fall and sufferings ! You cannot doubt  
 “ the painful feelings of my heart, in beholding the  
 “ humiliating destruction of the society, to whom  
 “ I owe, whatever I possess, of virtue, talent or re-  
 “ putation. I may truly say, that every moment  
 “ I drink the cup of bitterness :—but when we  
 “ look on Jesus crucified, is it lawful for us to  
 “ complain ?”

The epitaph of the order might have been written in the few following lines :—

*In humble hope of the Divine favour,  
 The Society of Jesus now reposes :  
 Education languishes ;  
 Irreligion and Insubordination increase :  
 A Revolution,  
 The horrors of which, it enters not into the heart of Man  
 to conceive,  
 Advances rapidly.*

## LXXV. 10.

*The Restoration of the Society.*

THE writer has now to write, what he trusts all his readers will deem some pleasing lines. In August 1814, the pope re-established the society of Jesus, by his bull, *solicitude omnium ecclesiarum*. By this, he derogated from the brief of Clement XIV. He mentions the numerous requests, for the re-establishment of the jesuits, which he had received from persons of every class ; praises their zeal and conduct in the countries, in which they had been re-established ; and authorizes Thaddeus Borrozowski, their superior-general, to re-unite them in community, in order to employ themselves on education, in colleges, and seminaries, and in the functions of the ministry, conformably to the rule of St. Ignatius.

On the sixth of August, he communicated this bull to a consistory of cardinals : on the seventh, he repaired, in great state, to the church of Jesus, in the ancient convent of the jesuits ; and, after celebrating the sacrifice of the mass, on the altar dedicated to St. Ignatius, and assisting at another mass, he went into a large chamber. There, seated on a throne, and surrounded by the sacred college, and many prelates, he ordered the bull to be read by the master of the ceremonies, and then delivered it with his own hands into those of father Pannizoni, a provincial of the order.

Let us now suppose that we hear Bossuet addressing to the jesuits, assembled on this occasion, the very words which he addressed to their fathers, in a sermon preached by him, in 1607, in their church at Paris \* : “ You !—O celebrated society,—you, “ who bear, with so good a title, the name of Jesus, “ —whom the grace of God has inspired with the “ important design, of leading children to him, from “ their infancy, to the maturity of man, in Jesus “ Christ,—to whom God, in these last ages, has “ given doctors, apostles, and evangelists, in order to “ make known, throughout the universe, and even “ to the extremity of the earth, the glory of the “ gospel,—cease not in its service, (conformably to “ your holy institute), to exert all the talents of “ your minds, all your eloquence, all your politeness, and all your learning :—and the better to “ accomplish so great a work, receive with all this “ assembly, in testimony of eternal charity, the “ holy benediction of the Father, the Son, and the “ Holy Ghost !”

His holiness, since the publication of this bull for the restoration of the society, has twice formally signified that “ it was not his intention that it should “ have the effect of restoring it to any state which “ should not recal it or express a wish for its return.”

We shall conclude this article with the verses,

\* Œuvres de Bossuet, ed. Ben. vol. iv. p. 459.



which Gresset, addressed the jesuits when he quitted their order.

- “ *Je dois tous mes régrets aux sages que je quitte :*  
 “ *J'en perds avec douleur l'entretien vertueux ;*  
 “ *Et, si dans leur foyers desormais je n'habite,*  
 “ *Mon cœur me survit auprès d'eux.*
- “ *Car ne leurs crois point tels, que la main de l'envie*  
 “ *Les peint à des yeux prévenus :*  
 “ *Si tu ne les connois que sur ce qu' en publiee*  
 “ *La ténébreuse calomnie,*  
 “ *Ils te sont encore inconnus :*
- “ *Lis,—et vois de leurs mœurs des traits plus ingenus :*  
 “ *Qu'il est doux de leur rendre un temoignage*  
 “ *Dont l'intérêt, la crainte, et l'espoir sont exclus !*  
 “ *A leur sort le mien ne tient plus :—*  
 “ *L'impartialité va tracer leur image.*
- “ *Oui, j'ai vu des mortels,—(j'en dois ici l'aveu),—*  
 “ *Trop combattus, connus trop peu ;*  
 “ *J'ai vu des esprits vrais, des mœurs incorruptibles,*  
 “ *Voués à la patrie, à leur roi, à leur Dieu ;*  
 “ *A leurs propres maux insensibles ;*  
 “ *Prodigues de leurs jours, tendres, parfaits amis ;*  
 “ *Et souvent bienfaiteurs paisibles*  
 “ *De leurs plus fougoux ennemis ;*  
 “ *Trop estimés enfin pour être moins haïs :*
- “ *Que d'autres s'exhalant, dans leur haine insensée,*  
 “ *En reproches injurieux,*  
 “ *Cherchent, en les quittant, à les rendre odieux :—*  
 “ *Pour moi,—fidele au vrai,—fidele à ma pensée,*  
 “ *C'est ainsi qu'en partant, je leur fais—Mes adieux.”*

It may be naturally asked in this place:—if the jesuits were such friends to humanity, rendered such

services to religion and literature, and were individually so honoured and loved, as they are represented in these pages,—why had they so many and such violent enemies

The answer is plain :—

Talents and merit produce power and influence ; —power and influence produce envy and ill-will. The power and influence of an individual operate generally within a limited circle, and therefore excite the envy and ill-will of few, and these expire with their objects.—The power and influence of a body, numerous and strongly constituted, and spread over the whole world, as was the society of Jesus, are not thus limited ; they are not only permanent, but almost always on the increase \*.

The consequence is obvious.

A young gentleman complained to the late sir Alexander Strachan, a distinguished member of the society, of the undeserved malevolence which he had received from some, whom he had served : “ My “ dear friend,” said the worthy father, “ you know “ the jesuits : think of us, and be satisfied.”

He might have involved the observation higher : he might have said,—“ Think of the fate of him, *qui pertrasiit benefaciendo.*”

The writer hopes these historical minutes of this very interesting society will displease no enlightened or candid reader. No one can be more independent

\* See the Apologie de l'Institut des Jésuites, ch. iii. septième objection,—from which this remark is taken.

of its members, less connected with them, or have fewer calls on him to advocate their cause.—But,

“ Pleas’d to spread friendships, and to cover heats,”

POPE,—

he could not refuse himself the satisfaction of offering, in this place, a few words in their eulogy.

# CHAP. LXXVI.

*Vol. II. c. 35. p. 63.*

GEORGE THE THIRD.

GENERAL STATE OF THE ENGLISH CATHOLICS, IN  
THE REIGN OF GEORGE THE THIRD, BEFORE THE  
ACT PASSED IN THEIR FAVOUR IN 1778.

1760.

LXXVI. 1.

*Vol. II. c. 35. s. 1. p. 63.*

*General Condition of the English Catholics, from the  
Revolution till the Accession of George the third.*

LXXVI. 2.

*Vol. II. c. 35. s. 2. p. 69.*

*The gradual Amelioration in the Situation of Catholics.*



## CHAP. LXXVII.

*Vol. II. c. 36. p. 74.*

THE ACT PASSED IN THE EIGHTEENTH YEAR OF  
HIS LATE MAJESTY FOR THE RELIEF OF THE  
ENGLISH CATHOLICS.

## LXXVII. 1.

*Vol. II. c. 36. s. 1. p. 74.**The Petition presented by the English Catholics in 1778.*

## LXXVII. 2.

*Vol. II. c. 36. s. 2. p. 77.**The Proceedings in Parliament on the Act of the  
eighteenth of his late Majesty.*

## LXXVII. 3.

*Vol. II. c. 36. s. 3. p. 81.**The legal Operation of the Act of the eighteenth of his late  
Majesty.*

## LXXVII. 4.

*Vol. II. c. 36. s. 4. p. 82.**The Oath prescribed by the Act.*

## LXXVII. 5.

*Vol. II. c. 37. p. 86.**The Riots in 1780.*

## CHAP. LXXVIII.

THE SOCINIANS,—UNITARIANS,—DEISTS,—FRENCH  
PHILOSOPHERS.

WE have given some account of the successive reformations of the established creed by the latitudinarians, by the low-church men, and by Hoadley and his disciples: the subject now leads us to notice, I. The socinians: II. The unitarians: III. The deists: IV. And the French philosophers. V. We shall then mark the reception of the French emigrants in this country.

## LXXVIII. 1.

*The Socinians.*

THE reformation had scarcely dawned, before some persons secretly promulgated antitrinitarian opinions.

The first of these was Martin Cellarius, a native of Stutgard, in 1499; John Campanus, who maintained the same doctrine, was his contemporary, and is better known. Soon afterwards, the celebrated Michael Servetus, an Arragonese, published his first work on the Trinity\*: it produced a powerful sensation among the leaders of the reformation: they all openly professed their abhorrence of its doctrines. Undismayed by their clamours, he published a second work†, of the same

\* De Trinitatis Erroribus, libri septem, per Michaellem Servetum, alias Reves, ab Aragonia, Hispanum.

† Dialogorum de Trinitate, libri duo: de justitia Regni Christi, capitula quatuor.

tendency, and afterwards his last and most celebrated work, intituled “Christianity Restored.\*” By the treachery of a person employed in printing it, several sheets of this work fell into the possession of Calvin. He forwarded them to the inquisition at Lyons, with an intimation that Servetus was the author of them, and that he was in the neighbourhood of the inquisitor. Upon this information, Servetus was arrested, and thrown into prison, but soon effected his escape and wandered to Geneva. There, he was recognized, and, at Calvin’s instigation, committed to prison: he was afterwards sentenced by the council to be burned alive: and the sentence was executed with circumstances that aggravated his sufferings. Calvin never denied or disguised the part which he took in this transaction: it was defended by Beza †.

Still, the antitrinitarians increased: particularly in the Italian territories bordering on Germany. Meetings of them are said to have been held at Vicenza, a small town in the Venetian state; the inquisition seized several who attended these meetings, and put some of them to death: others escaped into Switzerland, Moravia, Poland and Transylvania: they found catholics and protestants equally hostile to them: the most eminent of the wanderers were John Valentine Gentilis, who was tried for his heresy and beheaded at Berne, and Lælius Socinus. The latter concealed his opinions and lived peaceably at Zurich: there he died and left

\* *Christianismi Restitutio.*

† In his celebrated treatise *De hereticis a civili Magistratu puniendis.*



many controversial writings. Faustus Socinus, his nephew possessed himself of them and imbibed their principles: this became generally known and he was obliged to quit Zurich. He settled in Transylvania: there, and in Poland, his disciples obtained a legal settlement.—In 1658, they were banished for ever from the state by a solemn act of the diet: but they have always preserved their Transylvanian settlement.

They hold Christ, though the son of Mary, to have been born of her without a father, by the extraordinary power of God: and, as such, to be, though in a qualified sense, truly God, and entitled to worship.

## LXXVIII. 2.

### *The Unitarians.*

FROM the socinians, the unitarians differ principally in this,—that while they consider Christ as a teacher sent of God, and afterwards raised by him from the dead, they hold him to have been a mere man.

The founder of them appears to have been Francis David, a divine of great learning and eloquence at Coloswar. After having been successively a roman-catholic, a lutheran, and a calvinist, he settled finally in unitarianism. He was persecuted by the trinitarian divines of Hungary. At a meeting of the state they denounced him to the prince, and concluded a long address to him in these words: —“ We, this day, by virtue of our office, cite

“ thee, O thou illustrious prince, the keeper of both  
 “ tables, with thy consort, thy children, and all thy  
 “ posterity, before the tribunal of the awful judge,  
 “ Jesus Christ, whom this man has blasphemed,—  
 “ if thou suffer him to live.”—The prince, proba-  
 bly with a view to evade the scandalous requisition,  
 condemned David to close confinement: after a  
 short time, he died in prison \*.

The socinian exiles from Poland dispersed themselves into the adjacent provinces, and penetrated into Denmark, Holstein, Holland, France and England. The celebrated Jurieu discovered, that, before the close of the seventeenth century, socinianism abounded in the United Provinces, and that the dispersion of the French hugonots, in consequence of the edict of Nantes, had revealed to the terrified reformers of the primitive schools, the alarming secret of the preponderance of socinianism in the reformed churches of France †. In our times, d’Alembert proclaimed the socinianism of Geneva; the defence of the Genevan pastors rather confirmed than weakened the charge.

“ The socinians in England,” says Dr. Maclaine ‡,  
 “ have never made any figure as a community: but

\* What has been said on socinianism has been from the historical sketch prefixed by Mr. Rees to his, “ Racovian Catechism, with notes and illustrations, translated from the Latin, 8vo. 1818.”

† See the fourteenth book of Bossuet’s History of the Variations. He avails himself with great skill of the confessions and lamentations of his antagonist.

‡ In his translation of Mosheim’s History of the Church, vol. v. p. 55, note RR.

“ have rather been dispersed among the great variety  
 “ of sects that have arisen in a country, where liberty  
 “ displays its most glorious fruits, and at the same  
 “ time exhibits its most striking inconveniences.”

Unitarianism has been more succesful : in the reign of Charles I. and during the protectorate, the famous John Biddle, maintained both in public and in private the unitarian system, and at length established an unitarian congregation in London : there, since this time, it has been always on the increase. The unitarians have now several congregations ; a society for promoting christian knowledge and the practice of virtue by the distribution of books, and a fund for sending missionaries to preach their doctrines over England \*. Probably also, we may say of them, what Mr. Gibbon † says of the arminians, that “ they must not be computed from their separate congregations.”

### LXXVIII. 3.

#### *The Deists.*

THE first disciples of modern infidelity appeared among the classical enthusiasts of Italy. Thence, they passed into France and made a settlement from which they have never been dislodged. Bayle's Dictionary operated as a signal to call them into action : the writings of Voltaire enlisted thousands ; the Encyclopedie embodied them ; after this, it was

\* See Mr. Lindsay's " View of Unitarianism."

† History of the Decline and Fall of the Roman Empire, ch. 54.



too evident, that in France, the new opinions had, in every order, too many friends.

In England, sir Walter Raleigh was suspected of infidelity; and, about the same time, lord Herbert of Cherbury published two works, in which, if he did not absolutely deny the divine origin of the gospel, he maintained that it was not absolutely necessary to the salvation of mankind;—unhappily, he had a multitude of followers, and few imitated his reserve.

The deists profess to believe a God, but shew no regard to Jesus Christ, and consider the doctrine of the apostles and evangelists as fables and dreams. They profess a regard for natural religion; some acknowledge, some deny a future state\*.

In France, Julius Cæsar Vanini, in Holland, Benedict Spinoza, professed atheism. In England, it was professed by Toland, who would have disgraced any creed, and we are sorry to add, by one at least, whom science loves to name;—an historian often cited in the preceding pages.

#### LXXVIII. 4.

##### *The French Philosophers.*

If we are to judge of the public mind in France by its appearances at the time of the revolution, atheism was much more common there than in England; and the attacks on revealed religion had been conducted in it with a degree of concert and

\* The reader will be pleased with the “*Histoire critique du Philosophisme Anglois*, by the Abbé Tabaraud,” 8vo. 1816.

co-operation, unknown in this country. The leaders acquired the appellation of the French Philosophers.

Their objects and their labours are thus described by one of themselves\*.

“ There was a class of men, which soon formed  
“ itself in Europe, with a view not so much to discover  
“ and make deep research after truth, as to diffuse  
“ it ; whose chief object was to attack prejudices,  
“ in the very asylums, where the clergy, the schools,  
“ the governments, and the ancient corporations  
“ had received and protected them ; and who made  
“ their glory to consist rather in destroying popular error, than extending the limits of science :  
“ this, though an indirect method of forwarding its  
“ progress, was not, on that account, either less  
“ dangerous or less useful.

“ Assuming every tone and every shape, from  
“ the ludicrous to the pathetic, from the most  
“ learned and extensive compilation to the novel,  
“ or the petty pamphlet of the day, covering truth  
“ with a veil, which sparing the eye, that was too  
“ weak, incited the reader’s curiosity by the pleasure  
“ of letting him surmise what was meant, insidiously  
“ caressing prejudice in order to strike it with more  
“ certainty and effect ; seldom menacing more than  
“ one at a time, and then only in part, sometimes  
“ flattering the enemies of reason, by seeming to  
“ ask but for a half toleration in religion, or a half  
“ liberty in polity ; respecting despotism, when they  
“ impugned religious absurdities, and religion when  
“ they attacked tyranny ; combating these two

\* Condorcet.

“ pests in their principles, though apparently in-  
“ veighing against ridiculous and disgusting abuses ;  
“ —striking at the root of those pestiferous trees,  
“ whilst they appeared only to wish to lop the  
“ straggling branches ; at one time marking out  
“ superstition, which covers despotism with its im-  
“ penetrable shield, to the friends of liberty, as the  
“ first victim which they were to immolate, the first  
“ link to be cleft asunder ; at another, denouncing  
“ religion to despots as the real enemy of their  
“ power, and frightening them with its hypocritical  
“ plots and sanguinary rage ; but indefatigable  
“ when they claimed the independence of reason and  
“ the liberty of the press, as the right and safe-  
“ guard of mankind ;—inveighing with enthusias-  
“ tic energy against the crimes of fanaticism and  
“ tyranny, reprobating every thing which bore the  
“ character of oppression, harshness, or barbarity,  
“ whether in religion, administration, morals or  
“ laws ; commanding kings, warriors, priests and  
“ magistrates, in the name of nature, to spare the  
“ blood of men ; reproaching them in the most  
“ energetic strain with that, which their policy or  
“ indifference prodigally lavished on the scaffold  
“ or in the field of battle ; in fine, adopting reason,  
“ toleration, and humanity, as their signal and  
“ watchword.

“ Such was the modern philosophy, so much de-  
“ tested by those numerous classes, whose very  
“ existence was drawn from prejudices ;—its chiefs  
“ had the art of escaping vengeance, though exposed  
“ to hatred, of hiding themselves from persecution,



“ though sufficiently conspicuous to lose nothing of  
“ their glory.”

It would, however, be a great injustice to confound together, all the writers, whose works have contributed to the French revolution. They may be divided into three classes :—under the first, may be ranked those, who were satisfied with pointing out to sovereigns, the duties, which they owe to their subjects, and the motives which religion and reason suggest to excite sovereigns to a faithful discharge of them. These writers, though by making subjects feel their rights, they co-operated remotely in producing the general ferment which led to the revolution, are not only free from blame, but are entitled to the thanks of mankind. Such were Fénelon and Massillon : the general duties of a sovereign, the wickedness and infamy of an oppressive, extravagant and voluptuous reign, are nowhere more eloquently, more pathetically, or more forcibly exposed than in the *Telemachus* of the former, or the *Petit Carême* of the latter. So much was this the case, that, during the contests of Lewis XV. with the parliaments, large editions of the *Petit Carême* of Massillon were repeatedly printed and circulated throughout the kingdom.

The same, (if allowance be made for some indiscreet expressions), may be said of Montesquieu ; and he had the additional merit of pointing out the general revolution of opinion which the diffusion of knowledge had produced, and was every day producing in France, and the necessity of appeasing it by the sacrifice of some abuses. Those, who are

acquainted with that great man's writings, must be surprised to see him ranked among the conspirators against monarchy.

The general body of writers called the French philosophers, then come for consideration; they may be divided into two classes,—at the head of one we may place Voltaire, at the head of the other, Rousseau.

From a settled plan, and even a serious wish of overturning the monarchy, justice requires us to acquit the former: a slight limitation of the arbitrary power of the crown, and the privileges of the nobility, would have satisfied him: but the utmost he would have left to the church, was a decent maintenance for her ministers.—On the other hand, Rousseau thought mankind could not be happy till every distinction of rank was abolished, and property was held in common.

In the different assemblies each of these classes of writers had their disciples. The venerable bishop of Arles, the bishops of Clermont and Nançy, and a few more of the royalists, may be reckoned among the disciples of Fénélon and Massillon: M. Malouet, M. Mounier, M. Lally, and the general body of monarchists and constitutionalists, may be reckoned among the disciples of Voltaire: the abbé Sieyes, Danton, Marat, Robespierre, and the general body of jacobins, may be reckoned among the disciples of Rousseau.

When the hour of action came, the spirit of the masters appeared in their disciples. Like Fénélon and Massillon the bishop of Arles, and the royal-

ists of his character, thought it a sacrilege to touch either the altar or the throne. Like Voltaire, the Malouets, Mouniers, and Lallys, wished much alteration in the church, and some in the state; but like him, they wished these alterations effected without violence; and were ready to fly at the first beat of a democratic drum:—to use an expression attributed to Mirabeau, they wished une révolution à la Grandison.—The jacobins despised half reforms and half measures, they thought nothing would be quite right till the church and state were destroyed, and the golden year should arrive, when, according to the expression attributed to Diderot, the last king should be strangled with the bowels of the last priest.—In the schemes of the jacobins, the monarchists and constitutionalists unfortunately co-operated; but it was unintentionally; they were the first to appeal to the people, but their appeal was certainly accepted beyond their wishes.

Of all the charges, which have been brought against the catholic religion, that, which required the greatest intrepidity, was, its being the cause of the French revolution.—So far was this from the fact, that Mirabeau, than whom no one most assuredly was better acquainted either with the means or aim of the revolutionists, expressly declared, that before the revolution could be effected, France must be uncatholicised, *il faut premièrement décatoliser la France*. In conformity with this opinion, the religious persecution which ensued, was solely directed against the catholic clergy and laity. The writer does not recollect the name of a single person,



professing a conscientious adherence to that religion, who was actively engaged in the revolutionary measures: Necker, Chenier, Barnave, Emeri, Rabaud were not catholics \*.

### LXXVIII. 5.

#### *Reception in England of the French persecuted Clergy.*

THE writer has attempted to give, in his Historical Memoirs of the Church of France†, some account of the massacres and banishment of the French nonjuring clergy. To this we beg leave to refer our readers.

Towards the end of the month of August 1792, the national assembly of France passed a decree, which ordered that all ecclesiastics, who had not taken the civil oath,—an oath, which no conscientious and well-informed ecclesiastic could lawfully take,—or who, having taken it, had retracted it, should within the term of eight days, quit their dioceses, and, within the term of fifteen, leave the kingdom, under pain of imprisonment for ten years.

This decree, the massacres of the second and third of the following September, the subsequent massacres, a subsequent decree of deportation, and finally, the French invasion of Holland, where large numbers of the lay emigrants and deported priests

\* See Les véritables Auteurs de la Révolution de France, de 1789, à Neufchatel, 8vo. 1797.

† Ch. xvii.

had taken refuge, occasioned the arrivals of them, in large numbers, in England; so that, in the end, the number of deported priests exceeded 8,000; and that of lay emigrants, exceeded 2,000; we may add to them, the foreign and English nuns who took refuge in this country.

At the respectable and afflicting spectacle, which so many sufferers for conscientious adherence to religious principle, presented, the English heart shewed all its worth. A general appeal to the public was resolved upon. The late Mr. John Wilmot, then member of parliament for the city of Coventry, took the lead in this work of beneficence. The plan of it was concerted by him, Mr. Edmund Burke, and sir Philip Metcalfe. An address to the public was accordingly framed by Mr. Burke, and inserted in all the newspapers. It produced a subscription of 33,775*l.* 15*s.* 9½*d.* This ample sum, for a time, supplied the wants of the sufferers. At length, however, it was exhausted; and in the following year another subscription was set on foot. The venerable name of king George III. appeared first on this list. This subscription amounted to the sum of 41,304*l.* 12*s.* 6¼*d.* But this, too, was exhausted.

The measure of private charity being thus exceeded, parliament interposed; and from December 1793, voted annually a sum for the relief of the ecclesiastic and lay emigrants. This appears, by an account which the writer received from Mr. Wilmot, to have reached, on the 7th day of June 1806, the sum of 1,864,825*l.* 9*s.* 8*d.* The

management of these sums was left to a committee, of which Mr. Wilmot was the president; and the committee confided the distribution of the succours of the clergy, to the bishop of St. Pol de Léon. A general scale for the distribution of the succours was fixed : the bishops and the magistracy, received an allowance somewhat larger than others ; but the largest allowance was small ; and none was made to those, who had other means of subsistence. The munificence of parliament did not, however, suspend the continuance of private charity. Individual kindness and aid accompanied the emigrants to the last. Here, the writer begs leave to mention an instance of the splendid munificence of the late earl Rosslyn, then chancellor of England. It was mentioned at his lordship's table, that the chancellor of France was distressed, by not being able to procure the discount of a bill, which he had brought from France. " The chancellor of England," said lord Rosslyn, " is the only person " to whom the chancellor of France should apply " to discount his bills." The money was immediately sent ; and, while the seals remained in his hands, he annually sent a sum of equal amount to the chancellor of France.

At Winchester, at Guildford, and in other places, public buildings were appropriated for the accommodation of the clergy. In the hurry in which they had been forced to fly, many of them had been obliged to leave behind them their books of prayer. To supply, in part, this want, the university of Oxford printed for them, 2,000 copies



of the Vulgate version of the New Testament, from the edition of Barbou; and the late marquis of Buckingham printed an equal number of copies, of the same sacred work, at his own expense.

Every rank and description of persons, exerted itself for their relief. There is reason to suppose, that the money contributed for this honourable purpose, by individuals, whose donations never came before the public eye, was equal to the largest of the two subscriptions which have been mentioned. To the very last, Mr. John Wilmot continued his kind and minute attention to the noble work of humanity.—It adds incalculably to its merit, that it was not a sudden burst of beneficence: it was a cool, deliberate, and systematic exertion, which charity dictated, organized, and continued for a long succession of years; and which, in its last year, was as kind, as active, and as energetic, as in its first.

Among the individuals who made themselves most useful, one unquestionably holds the first place. “At the name,” says the abbé Barruel, “of Mrs. Dorothy Silburn, every French priest raises his hands to heaven, to implore its blessings on her.” The bishop of St. Pol took his abode in her house; and it soon became the central point, to which every Frenchman in distress found his way. It may easily be conceived, that, great as were the sums appropriated for the relief of the French clergy, the number of those, who partook of them, was so large, as to make the allowance of each a scanty provision even for bare subsistence; so that all were obliged to submit to great privations, and, from one

circumstance or other, some were occasionally in actual want. Here, Mrs. Silburn interfered. Where more food, more raiment, more medicine, than the succours afforded, were wanted, it was generally procured by her, or her exertions. Work and labour, she found for those, who sought them. The soothing word, the kind action, never failed her.—All the unpleasantness which distress unavoidably creates, she bore with patience. Her incessant exertions she never abated.—The scenes, thus described by the writer, he himself witnessed : and all who beheld them, felt and remarked, that much of the success, and the excellent management, which attended the good work, was owing to her.—To use the expression of a French prelate, “ the glory of “ the nation, on this occasion, was increased by the “ part which Mrs. Silburn acted in it.”—On the final closing of the account, his majesty was graciously pleased to shew his sentiments of her conduct by granting to her an annual pension of 100 l. for her life : never was a pension better merited.

On the other hand, the conduct of the objects of this bounty was most edifying. Thrown, on a sudden, into a foreign country, differing from theirs, in language, manners, habits, and religion, the uniform tenor of their decorous and pious lives obtained for them universal regard. Their attachment to their religious creed, they neither concealed, nor obtruded. It was evidently their first object to find opportunities of celebrating the sacred mysteries ; and of reciting the offices of their liturgy. Most happy was he, who obtained the cure of a congre-

gation; or who, like the abbé Caron, could establish some institution, useful to his countrymen. Who does not respect feelings, at once so respectable, and so religious? Hence flowed their cheerfulness and serenity of mind, above suffering and want. "I saw "them," a gentleman said to the writer of these pages, "hurrying, in the bitterest weather, over the "ice of Holland, when the French invaded that "territory. They had scarcely the means of subsistence; the wind blew, the snow fell; the army "was fast approaching; and they knew not where "to hide their heads, yet these men were cheerful." They did honour to religion;—and the nation, that so justly appreciated their merit, did honour to itself.

The lay emigrants were chiefly composed of the provincial nobility. Their willing exertions to increase their small subsistence was truly honourable. With this view, magistrates became preceptors; painting, drawing, and music, were taught by ladies, who, in happier hours, had learned them for ornament; the son refused no occupation, which gave him the means of assisting his parent; the daughter was the maid of all work to her family. It is surprising, how soon they qualified themselves, in one form or other, for useful employments: none thought that a disgrace, which attachment to his king, or love of his religion, made necessary.

Having mentioned the edifying conduct of the French deported clergy, and French emigrant laity, during this dreadful æra of the revolution, it remains to make a similar short mention of the conduct of the emigrant nuns. The pious tenor of their con-



ventual lives has been faithfully described, by the rev. Mr. John Fletcher, the roman-catholic pastor of Weston-Underwood, in Buckinghamshire, in the third of his learned, elegant, and instructive Sermons on various religious and moral subjects, a work expressing the doctrine and morality of the gospel, in the mild attractive language of St. Frances of Sales.

When the hour of trial came, the conduct of these pious recluses was uniformly edifying. On every occasion, they exhibited the greatest patience and fortitude, and an unconquerable adherence to principles. The French philosophers had unceasingly predicted, that the doors of the convents would be no sooner opened, and their inmates legally emancipated from their vows, than they would rush to freedom, marriage, and dissipation. Of this, there was hardly an instance ; while the conduct of an immense majority invariably shewed how sincerely they despised both the blandishments and the terrors of the world, which they had quitted. Some of them braved persecution, and even death itself, in its most hideous form. On one occasion, the fatal cart conveyed the superior of a convent, and all her claustral family, to the guillotine. In the road to it, they sung, in unison, the litanies of the Virgin Mary. At first, they were received with curses, ribaldry, and the other usual abominations of a French mob. But it was not long, before their serene demeanour and pious chaunt subdued the surrounding brutality ; and the multitude attended them in respectful silence, to the place of execution. The

cart moved slowly,—all the while, the nuns continued the pious strain : when the cart reached the guillotine, each, till the instrument of death touched her, sustained it. As each died, the sound became proportionally weaker : at last, the superior's single note was heard, and soon was heard no more. For once, the French mob was affected ; in silence, and apparently with some compunctious visitations, they returned to their homes.

Throughout their dispersion, the nuns retained undiminished their attachment to their religious rule. Whenever opportunity offered, they formed themselves into bands for its observance ; and the insulated individual seldom failed to practise it, to the utmost of her power. Sometimes by succession or heirship, or from some other circumstance, wealth came in their way, but their spare diet, seclusion from the world, and regular prayer continued ; and, what was not necessary to supply their wants of the first necessity, was charitably distributed.

That this picture of their conduct is not exaggerated, all must acknowledge, who have seen the religious communities, to whom the incomparable munificence of this country afforded an asylum. No one has seen them, without being edified by their virtues, at once amiable and heroic ;—few, without acknowledging their happiness.—Their resignation to the persecution, which they so undeservedly suffered, their patience, their cheerfulness, their regular discharge of their religious observances, and, above all, their noble confidence in Divine Providence, have gained them the esteem of all, who

have known them. At a village near London, a small community of carmelites lived, for several months, almost without the elements of fire, water, or air. The two first (for water, unfortunately, was there a vendible commodity), they could little afford to buy ; and, from the last, (their dress confining them to their shed), they were excluded. In the midst of this severe distress, which no spectator could behold unmoved, they were happy. Submission to the will of God, fortitude and cheerfulness, never deserted them. A few human tears would fall from them, when they thought of their convent ; and with gratitude, the finest of human feelings, they abounded. In other respects, they seemed of another world :—" Whatever withdraws us," says doctor Johnson, " from the power of our senses ; whatever makes the past, the distant, or the future, predominate over the present, advances us in the dignity of rational beings." It would be difficult to point out any, to whom this observation can be better applied, than these venerable ladies,—any, who are more withdrawn from the power of the senses ; over whose lives, the past, the distant, and the future, more predominate, or over whom the present has less influence.



## CHAP. LXXIX.

PRINCIPAL PUBLIC MEN :—STATE OF THE PUBLIC MIND AT THE TIME OF THE APPLICATION OF THE CATHOLICS FOR THE BILL OF 1791 :—APPLICATIONS TO PARLIAMENT FOR A REPEAL OF THE LAWS REQUIRING THE SUBSCRIPTION OF THE THIRTY-NINE ARTICLES.

BEFORE we proceed to relate the applications of the catholics to parliament for further relief, the subject seems to require, or at least to allow, that the writer should present his readers with a succinct view, I. Of the principal public men : II. And of the general state of the public mind, at this period, in respect to religious liberty in consequence of the Bangorian controversy and the disputes on the confessional : III. And of the attempts which had been made by the protestant dissenters to obtain a repeal of the corporation and test acts.

## LXXIX. 1.

*Principal public Men at this period.*

LORD NORTH was, at this time, the prime minister : his eloquence was so far an æra in the British senate, that, what is observed by Velleius Paterculus of Cicero, may be said of him,—that “ no English senator will be entitled to be ranked

“ among orators, whom lord North did not see, or  
“ who did not see lord North.”

Of those, by whom he was preceded, none probably, except lord Chatham, will be remembered by posterity. It was frequently given to the writer of these pages to hear the speeches, both in the house of commons and the house of lords, of this extraordinary man. No person in his external appearance was ever more bountifully gifted by nature for an orator. In his look and his gesture, grace and dignity were combined, but dignity presided ; the “ terrors of his beak, the lightning of his eye,” were insufferable. His voice was both full and clear ; his lowest whisper was distinctly heard, his middle tones were sweet, rich and beautifully varied ; when he elevated his voice to its highest pitch, the house was completely filled with the volume of the sound. The effect was awful, except when he wished to cheer or to animate ; and then, he had spirit-stirring notes, which were perfectly irresistible : he frequently rose, on a sudden, from a very low to a very high key, but it seemed to be without effort. His diction was remarkably simple, but words were never chosen with greater care ; he mentioned to a friend of the writer that he had read twice, from beginning to end, Bailey’s Dictionary ; and that he had perused some of doctor Barrow’s sermons so often as to know them by heart. His sentiments were apparently simple ; but sentiments were never adopted or uttered with greater skill ; he was often familiar, but it was the familiarity of condescension.

The terrible, however, was his peculiar power.—Then, the whole house sunk before him.—Still, he was dignified ; and wonderful as was his eloquence, it was attended with this most important effect, that it impressed every hearer with a conviction, that there was something in him finer even than his words ; that the man was infinitely greater than the orator : no impression of this kind, was made by the eloquence of his son, or his son's antagonist.

But, —with this great man, —for great he certainly was, —manner was every thing.—One of the fairest specimens, which we possess of his lordship's oratory, is his speech, in 1766, for the repeal of the stamp act\*.

“ Annuit, et nutu totum tremefecit Olympum.”

VIRGIL.

Most perhaps, who read the report of this speech, in Almon's Register, will wonder at the effect, which it is known to have produced on the hearers ; yet the report is exact. But they should have seen the look of ineffable contempt, with which he surveyed the late Mr. Grenville, who sate within one of him, and should have heard him say, with that look, —“ as to the late ministry, —every capital measure “ they have taken, has been entirely wrong.” They should also have beheld him when, addressing himself to Mr. Grenville's successors, he said, —“ as to “ the present gentlemen, to those, at least, whom I

\* Almon's Debates, vol. vii.



“ have in my eye,—(looking at the bench on which  
“ Mr. Conway sate), I have no objection : I have  
“ never been made a sacrifice by any of them.—  
“ Some of them have done me the honour to ask my  
“ poor opinion, before they would engage to repeal  
“ the act :—they will do me the justice to own, I  
“ did advise them to engage to do it,—but notwith-  
“ standing,—(for I love to be explicit),—I cannot  
“ give them my confidence.—Pardon me gentlemen,  
“ —(bowing to them),—confidence is a plant of slow  
“ growth.” Those who remember the air of con-  
descending protection, with which the bow was made  
and the look given when he spoke these words, will  
recollect, how much they themselves at the moment  
were both delighted and awed, and what they them-  
selves then conceived of the immeasurable superiority  
of the orator over every human being that surrounded  
him.—In the passages, which we have cited, there  
is nothing, which an ordinary speaker might not  
have said ; it was the manner, and the manner only,  
which produced the effect.

The catholic question came into the house of  
lords in the time of lord Chatham, and he gave it  
his support.—In the speech, which we have men-  
tioned, he had said—“ I have no local attachments :  
“ it is indifferent to me, whether a man was rocked  
“ in his cradle on this side or that side of the  
“ Tweed.” When the catholic bill of 1778 was in  
the house of lords, he might have been asked,  
“ if it were not indifferent to his lordship or the  
“ state, whether a man was rocked in a catholic or

“ protestant cradle, provided he be a good subject,” we may conjecture what would have been his lordship’s reply\*.

\* The whole speech, from which these citations are made, is very fine: “ I sought for merit,” said lord Chatham, “ wherever it was to be found. It is my boast, that I was the first minister who looked for it; and I found it in the mountains of the north. I called it forth and drew it into your service,—a hardy and intrepid race of men. Men, who, when left by your jealousy, became a prey to the artifices of your enemies, and had gone nigh to have overturned the state, in the war before the last. These men, in the last war, were brought to combat on your side; they served with fidelity, as they fought with valour, and conquered for you in every part of the world. Detested be the national prejudices against them! they are unjust, groundless, illiberal, unmanly.—When I ceased to serve his majesty as minister, it was not the *country* of the man by which I was moved:—but *the man of that country* wanted *wisdom*, and held principles incompatible with freedom.”

His celebrated reply to Horace Walpole has been immortalized by the report given of it by Dr. Johnson.—On one occasion, Mr. Moreton, the chief justice of Chester, a gentleman of some eminence at the bar, happened to say, “ king, lords, and commons,” or,—(directing his eye towards lord Chatham),—as that right honourable member would call them, “ commons, lords, and king.”—The only fault of this sentence is its nonsense.—Lord Chatham arose,—as he ever did,—with great deliberation, and called to order: “ I have,” he said, “ frequently heard in this house, doctrines which have surprised me; but now, my blood runs cold! I desire the words of the honourable member may be taken down.” The clerks of the house wrote the words. “ Bring them to me,” said Mr. Pitt, in a voice of thunder. By this time, Mr. Moreton was frightened from his senses.—“ Sir,” he said, addressing himself to the Speaker, “ I am sorry to have given any offence, to the right honourable member

A very expressive word in our language,—which describes an assemblage of many real virtues, of  
 “ or the house: I meant nothing. King, lords, and commons,  
 “ —lords, king, and commons,—commons, lords, and king;  
 “ —*tria juncta in uno*.—I meant nothing!—Indeed I meant  
 “ nothing.”—“ I don’t wish to push the matter further,” said  
 lord Chatham, in a voice a little above a whisper:—then, in  
 a higher tone,—“ the moment a man acknowledges his  
 “ error, he ceases to be guilty.—I have a great regard for the  
 “ honourable member, and as an instance of that regard, I  
 “ give him this advice:”—a pause of some moments ensued—  
 then, assuming a look of unspeakable derision,—he said in  
 a kind of colloquial tone,—“ Whenever that member *means*  
 nothing, I recommend him to *say* nothing.”

On one occasion,—while he was speaking, sir William Young called out “ question, question!”—Lord Chatham paused,—then, fixing on sir William a look of inexpressible disgust,—he exclaimed,—“ pardon me, Mr. Speaker, my agitation:—when that member calls for the question, I fear I  
 “ hear the knell of my country’s ruin.”

On another occasion immediately after he had finished a speech, in the house of commons, he walked out of it; and, as usual, with a very slow step. A silence ensued, till the door was opened to let him into the lobby. A member then started up, saying, “ I rise to reply to the right honourable  
 “ member.”—Lord Chatham turned back, and fixed his eye on the orator,—who instantly sate down:—then his lordship returned to his seat, repeating as he hobbled along, the verses of Virgil:

- “ Ast Danaum progenes, Agamemoniæque phalanges,
- “ Ut vidère virum, fulgentiaque arma per umbras,
- “ Ingenti trepidare metu,—pars vertere retro,
- “ Seu quondam petièrè rates,—pars tollere vocem
- “ Exiguam,—inceptus clamor frustratur hiantes.”

Then placing himself in his seat,—he exclaimed, “ Now let  
 “ me hear what the honourable member has to say to me.”  
 On the writer’s asking the gentleman, from whom he heard this anecdote,—if the house did not laugh at the ridiculous figure



many qualities approaching nearly to virtue, and an union of manners at once pleasing and commanding of the poor member?—"No, sir," he replied, "we were all too much awed to laugh."

But the most extraordinary instance of his command of the house, is, the manner in which he fixed indelibly on Mr. Grenville, the appellation of "the gentle shepherd." At this time, a song of Dr. Howard, which began with the words "Gentle shepherd tell me where,"—and in which each stanza ended with that line,—was in every mouth.—On some occasion, Mr. Grenville exclaimed, "Where is our money? Where are our means? I say again, Where are our means? Where is our money?"—He then sate down,—and lord Chatham paced slowly out of the house, humming the line, "Gentle shepherd tell me where."—The effect was irresistible, and settled on Mr. Grenville the appellation of "the gentle shepherd."

A gentleman mentioned the two last circumstances to the late Mr. Pitt; the minister observed that they were proofs of his father's ascendancy in the house; but that no specimens remained of the eloquence by which that ascendancy was procured.—The gentleman recommended to him to read slowly his father's speeches for the repeal of the stamp act; and, while he repeated them, to bring to his mind, as well as he could, the figure, the look, and the voice, with which his father might be supposed to have pronounced them. Mr. Pitt did so, and admitted the probable effect of the speech thus delivered.

In private intercourse, lord Chatham, though always lofty, was very insinuating. He cultivated the muses through life. Mr. Seward's Anecdotes contain an imitation by him of the ode of Horace, "*Tyrrhena regum progenies*," which shews a very classical mind. He also translated the speech of Pericles, as it stands in Smith's version of Thucydides: this, through one person only, came to the writer of these pages, from Mr. Pitt.

We have two characters of lord Chatham; one, is attributed to Mr. Grattan; the other was certainly written by Mr. Wilkes.

respect,—the word “gentleman,”—was never applied to any person in a higher degree, or more generally, than it was to lord North, and to all he said and did in the house of commons. His lordship did not aspire to the higher eloquence, but the house never possessed a more powerful debater; nor could any one avail himself of the strong part of his cause with greater ability, or defend its weaker, with greater skill; no speaker was ever so conciliating, or enjoyed in a higher degree the esteem and love of the house. Among his political adversaries, he had not a single enemy. With an unwieldy figure and a dull eye, the quickness of his mind seemed intuition. “I,”—lord Sandwich once said to the writer,—“must have pen and ink, and write down, and ruminate: give lord North a bundle of papers, and he’ll turn them over and over,—perhaps while his hair is dressing; and he instantly knows their contents and all their bearings.” His wit was never surpassed, and it was attended with this singular quality, that it never gave offence, and the object of it was sure to join with pleasure in the laugh.—The assault of Mr. Adam on Mr. Fox, and of colonel Fullarton on lord Shelburne, had once put the house into the worst possible humour, and there was more or less of savageness in every thing that was said:—lord North deprecated the too great readiness to take offence, which then seemed to possess the house.—“One member,” he said, “who spoke of me, called me that thing called a minister:—to be sure,”—he said, patting his large

form,—“ I am a thing ;—the member, therefore, “ when he called me a thing, said what was true ; “ and I could not be angry with him ; but, when “ he added, that thing called a minister, he called “ me, that thing, which of all things, he himself “ wished most to be, and therefore,” said lord North, “ I took it as a compliment.”—These good-natured sallies dropped from him incessantly.—On his resignation, he should have retired : many things, which may be defended, cannot be applauded : the coalition between his lordship and Mr. Fox was of this description.

From some papers which have been received by the writer from Mr. William Sheldon, through whose hands the application of the catholics to parliament in 1778 entirely passed, it appears that lord North received it in the most favourable manner, and promised it the utmost support in his power. He said,—“ at first be satisfied with any thing. The “ great object is to make a breach in the wall of “ intolerance.—Do this, and if you act with prudence, and are not too much in a hurry, you’ll “ certainly get on.” In 1791, he was equally favourable to the catholics ;—“ Mind, however,” he frequently said, “ up to the test act, I go ;—and “ no further.” “ But, my lord,” we used to answer, “ if an opening in it is made in favour of others, “ you’ll let us in too.”—To this, he seemed willing to agree.

The catholics never had a better friend than Mr. Fox. On his first separation from the ministry he assumed the character of a whig, and from



that time, uniformly advocated the cause of civil and religious liberty, on their broadest principles.

Almost the whole of his political life was spent in opposition to his majesty's ministers. It may be said of him, as of lord North, that he had political adversaries, but no enemy. Good-nature, too easily carried to excess, was one of the distinctive marks of his character. In vehemence and power of argument he resembled Demosthenes; but there the resemblance ended. He possessed a strain of ridicule and wit, which nature denied to the Athenian, and it was the more powerful as it always appeared to be blended with argument and to result from it. The moment of his grandeur was when, after he had stated the argument of his adversary, with much greater strength than his adversary had done, and with much greater strength than any of his hearers thought possible, he seized it with the strength of a giant, and tore and trampled on it to destruction. If, at this moment, he had possessed the power of the Athenian over the passions or the imaginations of his hearers, he might have disposed of the house at his pleasure,—but this was denied to him; and on this account, his speeches fell very short of the effect, which, otherwise they must have produced.

It is difficult to decide on the comparative merit of him and Mr. Pitt; the latter had not the vehement reasoning, nor the argumentative ridicule of Mr. Fox: but he had more fire, more imagery, and much more method and discretion. In addition, he had the command of bitter contemptuous sar-

casm which stung to madness. It was prettily said by Mr. Gibbon to the writer,—“ Billy’s painted galley will soon sink before Charles’s black collier:”—but never did horoscope prove more false.—Mr. Fox said more truly,—“ Pitt will do for us, if he does not do for himself.”

Both orators were verbose, Mr. Fox by his repetitions, Mr. Pitt by his amplifications. This, and the next session, were remarkable for being the commencement of the debates on the French revolution. These revealed to the world the want of political wisdom of each orator:—one discovering it by his total misconception of the nature of the revolution, which he thought an ordinary war; the other, by indulging in an inconsiderate language, by which he scared many wise and good men from his party.—Mr. Grattan observed to the writer,—and he believes the observation just,—that no one heard Mr. Fox to advantage, who did not hear him before the coalition; or Mr. Pitt, who did not hear him, before he quitted office. Each defended himself on these occasions with astonishing ability: but each felt he had done something that required defence: the talent remained, the mouth still spoke aloud, but the swell of the soul was no more. The situation of these eminent men at this time, put the writer in mind of a remark of Bossuet on Fénélon.—“ Fénélon,” he said, “ has great talents; greater “ than mine, but it is his misfortune to have brought “ himself into a situation, in which all his talents “ are necessary for his defence.”

The most astonishing display of talent by Mr. Pitt, was, when the catholic bill was first agitated after his return to office. Narrow, and short, was the only plank, on which he could stand: but there he placed himself; and he defended himself upon it with such ease and adroitness, that he was seldom touched by his assailants; and had often the posture of a successful assailant.

Greatly inferior to either of these extraordinary men, if we are to judge of him by his speeches, as they were spoken,—but greatly superior to each, if we are to judge of him by his speeches, as they were published, Edmund Burke, was through life the advocate, the warm, the powerful advocate of the catholic cause. Estimating him by his written speeches, we shall find nothing comparable to him, till we reach the Roman orator. Equal to that great man in dialectic, in imagery, in occasional splendour, and in general information; exceeding him in political wisdom, and the application of history and philosophy to it, he yields to him in grace and taste. He never lost an opportunity of recommending the catholics to the favour of the public. It may be doubted, whether, without the aid of his eloquence, either of the bills for our relief, would have passed\*.

\* In familiar conversation, the three great men, whom we have mentioned, equally excelled: but even the most intimate friends of Mr. Fox complained of his too frequent ruminating silence. Mr. Pitt talked;—and his talk was fascinating; a good judge said of him, that he was the only person he had known who possessed the talent of condescension. Yet his



Such were the leading men, and such their dispositions towards the catholics, at the time of which we are speaking.

loftiness never forsook him ; still one might be sooner seduced to take liberties with him, than with Mr. Fox. Mr. Burke's conversation was rambling, but splendid, rich, and instructive beyond comparison.

Public opinion at home and abroad, seems to have pronounced against Mr. Pitt's politics and war; and, on the supposition that a war with France was necessary, in favour of the system recommended by Mr. Burke. But,—in advocating his own system, Mr. Burke seems not to have attended sufficiently to his own representations of the selfish temporising views of the continental powers, on whose energetic and public spirited co-operation, the success of his plans depended altogether. It must therefore be lamented, that the system of peace recommended by Mr. Fox was not adopted. It may be thought probable, that, if France had been left to herself, the occupations of agriculture and commerce, and the pursuits of literature and science would have been continued, would insensibly have resumed their sway, cooled the public effervescence, and introduced moderation into the national councils.—An uninterrupted series of writers of this country of transcendent powers, commenced with Spencer, and ended in Mr. Burke: by its duration and splendour, it far surpasses any literary era, in antient or modern Europe.

## LXXIX. 2.

*State of the public mind at this time:—Gradual relaxation and final repeal of the penal laws in France against the Protestants;—Progress of civil liberty in England in consequence of the Bangorian Controversy,—and the Confessional:—Favourable result to the claims of the Catholics.*

1. THE French revolution was now rapidly advancing. It was considered at first, even by some persons of sense and discernment, as an harbinger of good. They did not sufficiently reflect on the great degree of happiness, which the world actually enjoyed, on the great probability of its regular increase, or on the chance of its being altogether lost by the proposed innovations.

It was particularly imagined that these would be propitious to religious liberty.—This had made a considerable progress in most parts of the continent : even in *Spain*, it began to dawn, and the rigours of the inquisition were greatly softened.

*In France*, the condition of the protestants was materially ameliorated. Some unjustifiable attempts had been made by them at the commencement of the regency which followed the death of Lewis XIV : they were repressed ; a few of the most guilty agitators were punished ; but the court was so little disposed to proceed with severity against the general body, that, soon afterwards, it was seriously debated in council, whether the edict of Nantes should not be re-enacted. The council declared for the negative ; but, from this time, the penal

provisions against the protestants were seldom carried into execution; and, towards the middle of the last century, the practical toleration of them in France was—with a single exception,—complete; but this exception was of the greatest moment, as it regarded their marriages. The law rendered invalid all marriages, that were not solemnized according to the rites of the church of Rome. To these, the protestants, in consequence of their religious principles, could not conscientiously conform. The consequence was that, in the eye of the law, protestant parents lived in a state of concubinage, and protestant children were illegitimate. Lewis XVI, to his immortal honour, communicated, by his edict of the 17th November 1787, to all his non-catholic subjects, the full enjoyment of all the rights of his subjects of the catholic religion.

2. *In England*, the progress of religious liberty had been great, but silent: we have noticed the advocacy of it by the latitudinarian divines, and, on a still broader ground, by Hoadley and his disciples. These systematized the principles of their master. With their latitudinarian predecessors, they avowed, that the Bible, and the Bible only, was the religion of the protestants; but if we inquire what article of faith, what religious ordinance was, in their opinion, so clearly deducible from the Bible, as to render the belief or observance of it necessary to salvation, we shall soon discover the scantiness of their creed, and be inclined to apply to them, what Badius said of Exaunus, that, “ he rather knew what he should fly from, than what



“ he should follow.” Their expressions were guarded ; but the ultimate tendency of their doctrine seems to lead to these conclusions : I. The church and the state are equally derived from God, the author of every good and perfect gift : II. Any number of persons, who are persuaded that Jesus was sent of God, who are sincerely desirous of obeying his laws, who hope for salvation by obedience to them, and who agree to unite in public assemblies for the performance of religious duty, is a christian church ; and every christian church thus formed, has a right to delegate to any persons, under any names, and with any powers, (revelation being silent on these points, and tradition wholly out of the question), an authority to superintend and regulate its economy and observances. Such a church may also expel from it those, who disobey either its original constitutions, or the ordinances made under its authority :—still, every such christian church is subject to the control of the state. —All this is in direct opposition to the articles of the church of England. These assign to the church, the power to decree rites and ceremonies \*, an authority in controversies of faith ; they also teach that the orders of her ministers have descended from the apostles, and are appointed by God ; that the powers given them, in ordination, are communicated to them by the Holy Ghost ;—and that episcopacy is of Divine institution † : III. The sacraments are defined by the church of England ‡ to be effectual signs of the grace which God of his

\* Art. xx.

† Form of ordination.

‡ Art. xxv.

free will dispenses to us, and by which he works invisibly in us. In opposition to this definition, the disciples of Hoadley maintained that the sacraments were mere signs or declarations of future salvation, and had no efficient power : hence they considered baptism, not as a rite essential to salvation, but as a profession of christianity by the person, who is baptised, or by others on his behalf ; and the eucharist, not as a rite in which the body and blood of Christ “ are verily and indeed received \*, ” but as a pious memorial of the passion and death of Christ, and an indication of the party’s acceptance of christian redemption by this symbolic ceremony. IV. The doctrines of the trinity and the incarnation, so solemnly propounded by the church of England, were ranked by the disciples of Hoadley, among speculative questions. V. They considered that, when the clergy declare their unfeigned assent to the thirty-nine articles, they express no more than an assent to the use of them according to any interpretation, which, in their candid and deliberate judgment, they should put on them :—and with full liberty to impugn them, except officially, as from the pulpit : VI. And finally,—they explicitly maintained that the sincerity of a christian believer is of much greater consequence than the soundness of his opinions.

We have noticed the success of Hoadley in the Bangorian controversy : his disciples pursued the triumph, and drew over to them so large a proportion of the established church, that a reform of the

\* Catechism in the book of Common Prayer.

reformation took place in it, and removed those, who adopted the new belief, further from the primitive reformers, than these had removed themselves from their catholic ancestors.

3. The disciples of Hoadley then expected to enjoy the fruits of their victory without molestation : but a formidable antagonist arose, who declared war equally against them, and the old established church. Seizing from each its strongest holds, and abandoning its less tenable passes, *the author of the Confessional*, equally in unison with the high church, and in opposition to the school of Hoadley, declared for the independence of the ecclesiastical on the temporal powers. In conformity with Hoadley, he rejected the serious belief of the thirty-nine articles, and announced, that the Bible, and the Bible only, in the strictest sense of these words, was the religion of the protestants ; but he condemned the mental reservation of the Hoadleyans in the subscription of confessions and formularies of faith ; and maintained that they could not be conscientiously subscribed, without a sincere belief of the truth of the doctrines, which they were intended by the framers of them to express.

This gave rise to a new controversy :—public opinion seems to have decided it in favour of the Confessional : yet the thirty-nine articles are still universally signed, but rather as a formulary of peace, than a confession of faith. Thus a further reform of the reformation, and of course a still further removal of the members of the church of England from its first founders, have been effected.



Ultra reforms of a similar nature have taken place in most protestant churches on the continent. Speaking generally, they have carried those who have adopted them, as far from the founders of their church as from the church of Rome. As further removals from the true faith, they are lamented by catholics; but it is difficult for them to observe, without some complacency, the completion of the prophecies of their ancestors on the ultimate tendency of the reformation.

4. But both civil and religious liberty, and, with these, *the claim of the catholics* to each, gained considerably, both by the Bangorian controversy, and by the disputes produced by the Confessional. The former led, as we have already mentioned, to discussions, which brought Hoadley and his disciples, and even their antagonists to admit, that, whatever might be the errors justly chargeable on any creed, the professors of it were entitled to an equal participation of the civil blessings of the constitution, unless mischievousness of moral or political principle were justly imputable to them. This was equally admitted in the controversy on the Confessional. Availing themselves of this important admission, the catholics called on their adversaries to shew, what principle, morally or politically reprehensible, or of such a tendency as should prevent their participation, equally with his majesty's other subjects, in the blessings of the British constitution, was justly imputable to them.

It soon appeared that no such principle was justly chargeable on them, unless the supremacy which

they attribute to the pope affected their civil allegiance. When this was urged against the catholics, they observed that the supremacy was merely of a spiritual nature, and that it authorized the pope neither to legislate in temporal concerns, nor to enforce his spiritual legislation by temporal power. To this statement, the adversaries of the catholics opposed many instances, in which the popes had claimed, under their divine commission, a right to exercise temporal power in spiritual concerns ;—and they cited a multitude of catholic authors, some of whom were truly respectable, by whom the papal pretension had been acknowledged and advocated.

The instances thus adduced of papal pretension to temporal power, the catholics generally admitted ; but, when they made this admission, they explicitly declared, that the popes acted on these occasions against divine and human right ; and that their title to the temporal power thus claimed by them, was not an article of their faith. They proceeded further :—in 1778, they took an oath, by which they not only disclaimed this papal pretension as an article of faith,—but rejected it altogether.

In respect to the writers who asserted it,—and generally in respect to every writer of their communion, in whom any objectionable tenet of any description could be found, the catholics adjured their adversaries to observe, in all their controversies with them, these rules,—“ 1st, That no doctrines  
“ should be ascribed to them as a body, except  
“ such as were articles of faith ;—2d. That the ca-  
“ tholics deem nothing to be an article of their

“faith, unless it has been delivered by Divine revelation, and propounded as such by the church.” They proclaimed that, whatever other opinions could be adduced against them, though they were the opinions of the fathers of the church—still they were but matters of opinion, and that a catholic might disbelieve them, and yet continue catholic. They pointed out the works in which the articles of faith were to be found,—the creed of pope Pius IV, the council of Trent, and Bossuet’s Exposition.

These declarations made a considerable sensation in favour of the catholics. It was also favourable to them, that, in consequence of the act, which passed for their relief in 1778, they mixed more with their protestant brethren, and, becoming better known to them, dissipated their anticatholic prejudices.

Still, to a certain extent,

*Manserunt veteris vestigia ruris.*

The effects of a defamation of two centuries could not be undone in a moment.

### LXXIX. 3.

*Applications to Parliament for a Repeal of the Laws requiring Subscriptions of the Thirty-nine Articles.*

IN July 1762, a point of extreme importance to the protestant dissenters came on for trial at Guildhall. It has been shewn, that the corporation act incapacitates dissenters refusing to qualify, in the



manner which it prescribed, from holding offices in corporations: but the act did not prevent their eligibility to such offices. In some instances, dissenters were elected to them and refused to serve in them, and therefore became liable to the penalty of a fine. The payment of it was sometimes dispensed with, but it was sometimes exacted.

At the time, of which we are now speaking, Mr. Allen Evans, having been chosen sheriff of the city of London, and having refused to serve, was fined; and, upon his neglecting to pay the fine, the city brought an action against him to recover it. The case was elaborately argued before lord chief baron Parker, Mr. justice Foster, Mr. justice Wilmot, and Mr. justice Bathurst. All of them were of opinion that, under the circumstances, in which the act had placed them, the dissenters were not eligible to the office. The case was heard on appeal, in February 1767, in the house of lords; and, on the motion of lord Mansfield, the cause was adjudged unanimously in favour of the dissenters.

This determination raised the hopes of the dissenters; but objections to the subscription of the thirty-nine articles were not confined to them. In 1772, several clergymen, and some gentlemen belonging to the professions of the civil law and physic,—all members of the established church,—assembled at the Feathers tavern in Cheapside, and invited, by public advertisement in the papers, all, who thought themselves aggrieved in the matter of subscription, to join them in an application to parliament for relief. The petition was respectably

signed : two hundred and fifty of the petitioners were clergymen of the established church.

They represented in the petition, that it was one of the great principles of the protestant religion, that every thing necessary to salvation was fully and sufficiently contained in the holy scriptures ; that christians have an inherent right, which they hold from God only, to make a full and free use of their private judgment in the interpretation of the scriptures ; that, though these were the liberal and original doctrines of the church of England, and the grand principle, upon which the reformation was grounded, still, there had been a deviation from them, in the matter of subscription, which deprived them of this invaluable right,—by obliging them to acknowledge, that certain articles and confessions of faith and doctrine, drawn up by fallible men, were, all and every of them, agreeable to the scriptures.

The petitioners particularly complained, that, at the first admission or matriculation, as it is termed, of scholars in the universities, they were obliged, at an age, too immature for disquisitions and decisions of such moment, to subscribe their unfeigned assent to a variety of theological propositions, which they had not judgment to comprehend ; and upon which it was impossible for them to form a just opinion.

The petition being presented, a motion was made for taking it into consideration : the house of commons divided 71 for it, 217 against it.

However unfavourable to the cause of the dissenters, this result appeared, they conceived the weight of argument to have been evidently so much

on their side, that they procured a bill for their relief to be brought into the house of commons in the same sessions. A high church party opposed it with great earnestness ; but the general sense of the house was so strong in favour of the dissenters, and an inclination to extend the blessings of toleration was so great on each side of the house, that the motion was carried without a division. But the house of lords was actuated by a different feeling,—there, the bill was thrown out by a great majority, 29 lords supporting it, 102 lords opposing it.

In 1789, the matter was again brought into the house of commons, by a motion of Mr. Beaufoy, “ for a committee to take into consideration, so much of the test and corporation acts as related to protestant dissenters.” On a division, 102 votes were for the motion, 122 against it.

The small majority on this division against the dissenters could not but raise their hopes ; but it equally increased the alarm and the activity of their opponents ; and unfortunately the violence of some leading men among the petitioners furnished their adversaries with powerful arms against them.

On the 2d of March 1790, Mr. Fox brought the subject before the house of commons, at the fullest meeting of that house, which had, for some time, been assembled. The petition of the dissenters had been placed in his hands, and it is an important event in the history of the English catholics, that it was framed in terms, which embraced persons of their communion. This brought their grievances under the eye of the legislature. Mr. Fox displayed



on this occasion, more than his usual powers of oratory ; his motion was the same as that of Mr. Beaufoy ; but he distinctly avowed that his object was to effect a total repeal both of the corporation and the test act, and he rested the merits of his cause on the broadest principles of religious liberty. He was seconded by sir Henry Houghton : Mr. Pitt opposed the motion by a long and able speech. It was reducible to a syllogism,—that it was equally the right and duty of the supreme power of the state to exclude any description of men, who were hostile to an essential part of the constitution, from those situations, which would enable them to give effect to that hostility ; that the established church was an essential part of the British constitution, and that the dissenters were hostile to it :—therefore it was the right and duty of the state to exclude the dissenters from those situations, which would enable them to injure the church, and consequently proper to continue the corporation and test acts in force against them, as these effected this exclusion. Mr. Pitt then noticed the intemperate proceedings of some of the dissenting leaders. Here, Mr. Burke came powerfully to his aid : he produced several documents, from which he professed to shew, that many of the persons, who styled themselves dissenters, in the petitions before the house, were indifferent to religion, that they held factious principles and entertained dangerous projects, and thus had the name without the substance of religion, the liberty without the temper of philosophy, and professed doctrines and were engaged in schemes at

which the priest and the magistrate might equally tremble\*.

Mr. Fox replied to Mr. Pitt and Mr. Burke with great animation :—conceding to Mr. Pitt that it was the right and duty of the state to exclude men really dangerous, from situations conferring power, he contended that the dissenters entertained no designs, and had no object that was hostile either to the church or the state ; and that, if they entertained such designs, or had any such objects, the oaths and rites prescribed by the corporation and test acts were not calculated to bring the integrity of their principles to a proper test ; the designs and the objects imputed to them, being of a political, and the oaths and rites required from them, being of a religious nature.—This absurdity, as he termed it, of making a formula of religious faith a test of political integrity, Mr. Fox exposed with an astonishing power both of argument and ridicule : it was unknown, he said, in ancient history, and was a discovery in modern times, which did them no honour.—He concluded by a strong appeal to the good sense and candour of the house,—on the folly and injustice of deciding a great question of right and expediency, in which the general welfare of the kingdom and the individual interests of a large proportion of the community were equally concerned, by the conduct of a few unauthorized and unavowed individuals.

The house divided, 105 for the motion, 204 against it.

\* Gibbon, Hist. ch. 54.

## CHAP. LXXX.

*Vol. II. c. 38. p. 99.*THE ACT PASSED IN 1791, FOR THE RELIEF OF  
THE ENGLISH CATHOLICS.

## LXXX. 1.

*Vol. II. c. 38. s. 1. p. 100.**The Formation of the Committee.*

IN the year 1782, lord Stourton, lord Petre, Mr. Throckmorton, afterwards sir John Throckmorton, Mr. Thomas Stapleton and Mr. Thomas Hornyhold were appointed, at a general meeting of the English catholics, to be “a committee for five “years to promote and attend to the affairs of the “roman-catholic body in England.”

A variety of circumstances prevented their making any particular exertions in the cause entrusted to them: the only measure of this description, which engaged their attention, was a plan for procuring the catholic ecclesiastics in this country, to be formed into a regular hierarchy, by the appointment of bishops in ordinary, instead of vicars apostolic.

The preceding pages have shewn that this was long the general wish of the secular clergy, and the several steps which they took to accomplish this object.



Two arguments were particularly alleged in favour of this arrangement: its consonancy with the form of government established by Christ and his apostles, and perpetuated through all succeeding ages, in every country, in which the gospel has been received; and its being more agreeable to protestant governments than papal vicariats.

Probably it would have been both for the temporal and spiritual advantage of the English catholics, if, after the establishment of the reformation by the legislative acts of the first parliament of queen Elizabeth, bishops in ordinary had been appointed, and regularly continued in the British dominions: but the actual form of vicarial government had, at the time of which we are now speaking, subsisted during a whole century; the minds and the habits both of the clergy and the laity were accustomed to it; experience had shewn that the practical inconveniences attending it were not very great; and change, without a moral certainty of its proving advantageous, is always to be deprecated. The greatest grievance attending the present system appears to be, the want of an available appeal, by which a person aggrieved by any proceeding of his prelate can obtain redress: all however must admit that, if there have been cases, in which such an appeal would have been desirable, the number of them has been very small.

Still, the proposed alteration in the ecclesiastical ministry of the English catholics deserved consideration,—particularly as the absolute dependance of the English vicars apostolic on the see of Rome,

had frequently been urged by the adversaries of the body, as an objection to the granting of the relief, which they solicited.

The first step of the committee, was to ascertain the expediency and practicability of the measure. So far as it was a spiritual concern, it belonged to the cognizance of the vicars apostolic. The committee therefore addressed a letter to each of the four vicars apostolic, most respectfully stating their own views of the subject, and requesting his opinion upon it. It appeared from their answers, that their opinions differed: the committee, upon this account, dropped the measure.

The powers of the committee having expired in the beginning of the year 1787, the appointment of a new committee became necessary.

## LXXX. 2.

*Vol. II. c. 38. s. 2. p. 101.*

*The Memorial presented by the English Catholics to  
Mr. Pitt.*

## LXXX. 3.

*Vol. II. c. 38. s. 3. p. 106.*

*The Opinions of the Foreign Universities.*

## LXXX. 4.

*Vol. II. c. 38. s. 4. p. 109.*

*Draft of a Bill for repealing the Laws against the  
Roman catholics.*

LXXX. 5.

*Vol. II. c. 38. s. 5. p. 110.**The Protestation \*.*

LXXX. 6.

*Vol. II. c. 38. s. 6. p. 128.**Intended Deputation of doctor Thomas Hussey to Rome,  
on the subject of the Bill.*

IN addition to what the writer has said respecting doctor Hussey's *intended mission* to Rome,—he begs leave to observe, that no reason was ever given by that eminent prelate for declining it, than the refusal of the Spanish ambassador, whose chaplain he was, to permit him to undertake it. To the last, doctor Hussey adhered to the principles of the committee: on the discussion for depositing the protestation at the Museum, he not only voted for the measure; but, with his usual animation and eloquence, advocated and eulogized the conduct of the committee.

Doctor Hussey was also present at a meeting held in Castle-street, on the 21st of February 1799, at which the right reverend doctor Berington, the reverend Mr. Brown, the reverend Mr. Strickland, the reverend Mr. Wilkes, the reverend Mr. Barnard, (the vicar-general of Mr. Douglass), the reverend doctor O'Leary, the reverend Mr. Meynel,

\* See Appendix, Note II.



the reverend doctor Rigby, the reverend doctor Belasyse, and the reverend Mr. Archer attended.—The five following questions, among others, were put by doctor Berington :—“ 1st. Did all persons  
 “ present sign the protestation? 2d. Did all sign  
 “ it as a civil test merely, without meaning to in-  
 “ fringe on the pope’s spiritual power, or the spi-  
 “ ritual power of the church? 3d. Do any persons  
 “ here present think themselves obliged in con-  
 “ science to recede from it? 4th. Can the catholic  
 “ clergy, gentry, &c. who have deliberately signed  
 “ it, recede from it now, consistently with their  
 “ characters as men of honour, and without bringing  
 “ odium on religion. 5th. Whether any public  
 “ receding from the protestation at present will  
 “ not tend to confirm the stigmas and odious im-  
 “ putations with which the catholics have hitherto  
 “ been aspersed.” All the persons present answered the first, second and fifth questions unanimously in the affirmative, and the third and fourth unanimously in the negative.

## LXXX. 7.

*Vol. II. c. 38. s. 7. p. 132.*

*The Act passed in 1791, for the Relief of the English Catholics.*

THE bill was no sooner in agitation, than some gentlemen formed themselves into a society, called “The Protestant Union,” for the avowed purpose of opposing it. The late Mr. Granville Sharpe

was at their head. That truly amiable and respectable gentleman possessed extensive learning and the most humane views, and had distinguished himself by his exertions for the abolition of slavery ; but his notions of the catholics and their principles, and the language, with which he expressed them, savoured too much of those of the illiberal polemics of the sixteenth century : still, he readily allowed the catholics a considerable degree of religious toleration, but denied them political freedom. This distinction was adopted by the society. They published an “ Address and Resolutions ; ” — “ A series of Questions to the Roman-catholics,” and “ An Answer to Mr. Butler’s Address to the Protestants,” by far the best and most temperate reply which that address received.

LXXX. 8.

*Vol. II. c. 38. s. 8. p. 136.*

*The Protestation deposited at the Museum\*.*

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CHAP. LXXXI.

*Vol. II. c. 39. p. 139.*

THE VETO.

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\* See Appendix, Note II.

## LXXXI. 1.

*Vol. II. c. 39. s. 1. p. 140.*

*Very summary Statement of the Laws against the Irish Catholics.*

## LXXXI. 2.

*Vol. II. c. 39. s. 2. p. 145.*

*Negotiations between Lord Castlereagh and the Catholic Prelates in Ireland in 1799, respecting the Veto \*.*

Up to this very moment, the veto has never been a subject of any motion, or even of any serious discussion at the English catholic board. To the acceptance of it,—either unfortunately given, or unfortunately retracted,—by the Irish prelates, the veto is solely owing. To charge it on the English, is unjust and ungenerous in the extreme.

## LXXXI. 3.

*Vol. II. c. 39. s. 3. p. 150.*

*Resolutions of the Irish Prelates in 1799, in favour of the Veto.*

## LXXXI. 4.

*Vol. II. c. 39. s. 4. p. 153.*

*Allegation that the Irish Prelates were intimidated into the Resolutions of 1799.*

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\* See Appendix, Note II.



## LXXXI. 5.

*Vol. II. c. 39. s. 5. p. 155.**The Offer by Government to the Irish Prelates, and their Acceptance of a State Provision.*

## LXXXI. 6.

*Vol. II. c. 39. s. 6. p. 157.**The degree of negative Power, in the Appointment of Irish Prelates to their Sees, which, in these Negotiations, Government proposed to be conceded to the Sovereign.*

## LXXXI. 7.

*Vol. II. c. 39. s. 7. p. 166.**First Mention of the Veto in the House of Commons in Sir John Cox Hippisley's Speech of the 13th May 1805;— Division on that Debate.*

## LXXXI. 8.

*Vol. II. c. 39. s. 8. p. 171.**The Approbation given by the Irish Prelates to Sir John Cox Hippisley's Speech, and their earnest Request to him that he would Print it.*

## LXXXI. 9.

*Vol. II. c. 39. s. 9. p. 173.**The Proposal of the Veto, in the House of Commons, by Mr. Ponsonby; and in the House of Lords, by Lord Grenville, at the Suggestion of doctor Milner, Bishop of Castabala, Vicar Apostolic of the Midland District, and Agent of the Irish Prelates.*

## LXXXI. 10.

*Vol. II. c. 39. s. 10. p. 182.*

*Continual Adherence of the Irish Prelates to their Resolutions in 1799; until their Meeting in September 1808.*

## LXXXI. 11.

*Vol. II. c. 39. s. 11. p. 183.*

*The Opposition in Ireland to the Veto.*

## LXXXI. 12.

*Vol. II. c. 39. s. 12. p. 184.*

*Dr. Milner's Advocacy of the Veto, in a Pamphlet intituled  
"A Letter to a Parish Priest \*."*

## LXXXI. 13.

*Vol. II. c. 39. s. 13. p. 189.*

*The Declaration of the Irish Prelates, that the Veto was  
inexpedient;—the Explanation given by the Primate  
O'Reilly of that Declaration.*

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\* See Appendix, Note II.

## LXXXI. 14.

*Vol. II. c. 39. s. 13. p. 191.**The conciliatory Resolution of the English Catholics.*

EVERY thing respecting this conciliatory resolution,—an epithet which it truly deserves,—is fully and most fairly detailed in the Apologetical Letter addressed by doctor Poynter to cardinal Litta, the prefect of the congregation de Propagandâ Fide; we shall therefore present our readers with an English translation of it \*.

## LXXXI. 15.

*Vol. II. c. 39. s. 15. p. 196.*

*Letters of Monsignor Quarantotti,—of Pius the seventh,  
—and Cardinal Litta,—on the Veto.*

## CHAP. LXXXII.

*Vol. II. c. 40. p. 199.*

THE FORMATION OF THE ROMAN-CATHOLIC  
BOARD.

\* See Appendix, Note II.



## CHAP. LXXXIII.

*Vol. II. c. 41. p. 204.*

ATTEMPTS OF THE ENGLISH CATHOLICS TO OBTAIN  
RELIEF, ON THE ACCESSION OF MR. FOX'S MINIS-  
TRY IN 1806;—ALLEGED OBJECTION FROM HIS  
MAJESTY'S CORONATION OATH.

## LXXXIII. 1.

*Vol. II. c. 41. s. 1. p. 205.*

*General hopes of Relief entertained by the English  
Catholics, at this time.*

## 2. LXXXIII.

*Vol. II. c. 41. s. 2. p. 206.*

*Objection to Catholic Emancipation, from the Coronation  
Oath.*

## LXXXIII. 3.

*Vol. II. c. 41. s. 3. p. 208.*

*The Conduct of Lord Grenville's Administration towards  
the Catholics.*

## LXXXIII. 4.

*Vol. II. c. 41. s. 4. p. 216.*

*Attempts of the Catholics for Relief, in the years 1808,  
1810, and 1812.*

## CHAP. LXXXIV.

*Vol. II. c. 42. p. 216.*

THE BILL OF 1813.

## LXXXIV. 1.

*Vol. II. c. 42. s. 1. p. 217.**Mr. Butler's Address, in 1813, to the Protestants of the  
United Empire.*

## LXXXIV. 2.

*Vol. II. c. 42. s. 2. p. 245.**The Petition, presented by the English Catholics, in the  
year 1810, to both Houses of Parliament.*

## LXXXIV. 3.

*Vol. II. c. 42. s. 3. p. 253.**The Bill, brought into the House of Commons in 1813, for  
Catholic Emancipation.*

## CHAP. LXXXV.

*Vol. II. c. 43. p. 268.*

ACT PASSED IN 1817 FOR REGULATING THE ADMI-  
NISTRATION OF OATHS IN CERTAIN CASES TO  
OFFICERS IN HIS MAJESTY'S LAND AND SEA  
SERVICE.

## CHAP. LXXXVI.

*Vol. II. c. 44. p. 279.*

THE PRELACY OF THE ENGLISH CATHOLIC CHURCH;  
—CLERGY;—AND CHARITABLE INSTITUTIONS,  
SINCE THE REFORMATION.

## LXXXVI. 1.

*Vol. II. c. 44. s. 1. p. 279.*

*The English Catholic Prelacy.*

## LXXXVI. 2.

*Vol. II. c. 44. s. 2. p. 293.*

*Religious Establishments made by the English Catholics  
in foreign Countries.*

## LXXXVI. 3.

*Vol. II. c. 44. s. 3. p. 295.*

*Their charitable Establishments for the Education of the  
Poor.*



## CHAP. LXXXVII.

PRINCIPAL PROCEEDINGS OF THE BRITISH AND  
IRISH CATHOLICS BETWEEN THE YEARS 1813  
AND 1821.

1813—1821.

WE shall now present to our readers an account of the principal circumstances in the history of the British and Irish catholics, from the time which the preceding pages have reached, till the present.—These are, I. The resolution of the English catholics in 1813, to persist in their endeavours to obtain a repeal of the remaining penal laws : II. The expulsion of doctor Milner from the private board, or the select committee of the general board of the British catholics : III. And the further petitions of the British and Irish catholics to parliament, and the proceedings upon them.

## LXXXVII. 1.

*The Resolution of the Board of British Catholics  
in 1813.*

ON the 29th of May 1813, which was almost immediately after the bill for the relief of the catholics was lost, the board of the British catholics passed two unanimous resolutions : by the first, they returned thanks to the members of the house of commons, who had supported the bill : by the second, they expressed their determination not “to

“relax their efforts to procure relief from the penalties and disabilities, under which they suffered.” The earl of Shrewsbury was in the chair: the resolutions were moved by Lord Stourton, and seconded by lord Arundel of Wardour.

## LXXXVII. 2.

*The Expulsion of doctor Milner from the private Board, or the Select Committee of the General Board of the English Catholics.*

WHILE the bill had been pending in the house of commons, doctor Milner caused a memorial against it to be circulated among the members: and, in a postscript to it, stated explicitly that, “such measures never could have been countenanced by any members of the legislature, had they not been suggested by certain false brethren of the catholic body.” It proceeded to state that, “many catholics in England, and many more in Ireland, objected to the clause in the oath of 1781, respecting the protestant succession, as it might be thought to bind them to take up arms against their sovereign, if he should profess their religion:” on this ground, he submitted a change in the terms, by which they should declare, “their entire submission to the limitation of the protestant succession as established by law.” Upon the last head, the writer must observe, that he has never yet met with a single catholic, ecclesiastic or lay, who objected to the oath. It has been taken by all the bishops in Ireland, all their coadjutors,

all the English prelates, including doctor Milner, and all their coadjutors; and by all the Scottish prelates and their coadjutors. In other respects, the memorial was highly injurious to the bill; and the right reverend prelate assumed to himself the merit of having contributed largely to its defeat.

The board took this conduct of doctor Milner into their consideration at this meeting, and resolved, that a paper, intituled, “ A brief Memorial on the Catholic Bill,” and “ signed John Milner, D. D., having been distributed to members of the house of commons, during the discussion of the bill brought forward for the removal of the civil and military disqualifications, under which his majesty’s-roman catholic subjects then laboured, and containing assertions derogatory to the honour and the loyalty of the roman-catholic laity, and inferring consequences from the bill, if carried into execution, not warranted by its proposed enactments, and highly injurious to the political integrity and wisdom of the framers and supporters of the bill, and directly opposite to their declared intentions, as stated in the preamble to the bill,—the board declared, that the above mentioned paper, signed John Milner, D. D. and intituled, ‘ A brief Memorial on the Catholic Bill,’ called for, and had, their most marked disapprobation.” It having been moreover publicly stated, that the catholic board were and had been influenced in their political conduct by the right reverend doctor Milner, this board declared, that



“ the members of it felt themselves called upon to  
“ republish the following resolution, passed by them  
“ on the 29th of May 1810; viz.—‘ That we do not  
“ consider ourselves as implicated in, or any ways  
“ responsible for, the political opinions, conduct or  
“ writings, of the right reverend doctor Milner,  
“ vicar-apostolic of the midland district.’ ”

Doctor Milner being then called upon by the board to state, whom he meant to designate, by the expression of “ false brethren,” in his paper, intituled, “ A brief Memorial on the Catholic Bill,” declared to the board, that “ he had referred to “ Mr. Butler.” Upon this, the following resolutions were immediately passed :—1st. “ That Charles “ Butler, esq. was entitled to the thanks and gratitude of the general board of British catholics, “ for his great exertions in support of the catholic “ cause, and that the charge just made by the right “ reverend doctor Milner, against Mr. Butler, was “ a gross calumny.”

2dly. “ That, under the present circumstances, “ it was highly expedient that the right reverend “ doctor Milner should cease to be a member of the “ private board or select committee, appointed by “ the general board of British catholics, on Thursday, May 11th 1813.”

## LXXXVII. 3.

*Further Petitions of the British and Irish Catholics, and  
Proceedings upon them.*

1814.

ON the 17th of February, a general meeting of the English catholics was held at the house of the earl of Shrewsbury in Stanhope-street, and a form of a petition to both houses of parliament resolved upon. It referred to their former petitions, and prayed the house to take into "consideration the  
"many pains and disabilities, under which they  
"laboured, and to adopt measures for their relief." It was also resolved, that a deputation should wait on earl Grey and the right honourable William Elliot, and request that they would present the petition of the catholics to the respective houses of parliament, and express to them "the wish of  
"the board, that they should have the advantage  
"of a separate and distinct discussion."

At a subsequent meeting, it was resolved, that  
"our parliamentary friends should be requested to  
"obtain, if possible, the repeal of all remaining  
"restrictions on our religious observances, particu-  
"larly with respect to our marriages."

On the 28th of the following June, the British catholic petition was presented to the house of lords; and, on the 1st of the following July, a similar petition was presented to the house of commons by Mr. Elliot.

1815.

On the 30th of May, sir Henry Parnell's motion on the Irish catholic petition was negatived, in the house of commons, by a majority of 81; the ayes being 147, and the noes 228: on the 8th of June, earl Donoughmore's motion in the house of lords, on a similar petition, was negatived by a majority of 26; the contents being 60, the non-contents 86.

On the 24th of June, the board unanimously resolved to present to his royal highness the Prince Regent, a loyal and dutiful address, on the triumph of his majesty's arms at Waterloo: it was accordingly presented on the 29th of the same month, and most graciously received.

1816.

In January, another form of a petition was agreed upon by the British catholics, and presented by Mr. Elliot to the house of commons: the question of emancipation, so far as it regarded the Irish catholics, was afterwards brought forward by Mr. Grattan unsuccessfully, being negatived by a majority of 31; the ayes being 141, and the noes 172.

On the 28th of the following May, sir John Hippisley moved, that "several official papers relative to the regulation of the roman-catholics in



“ the several states of Europe and the Colonies,  
“ which had been laid before the house in the  
“ course of the present session, should be referred  
“ to a select committee: that it should be an in-  
“ struction to the said committee, to report on the  
“ laws and ordinances existing in foreign states  
“ respecting the regulations of their roman-catholic  
“ subjects, and their intercourse with the see of  
“ Rome, or any other foreign jurisdiction.” His  
motion was agreed to, and a committee appointed  
accordingly.

Sir Henry Parnell afterwards gave notice of a motion for a partial emancipation.—The writer must take this opportunity of mentioning the great obligations, which both the British and the Irish catholics have to this excellent person. Manly, discreet, firm and conciliating, he always advocated their cause on the genuine principles of civil and religious liberty, and with a full knowledge of their case, both in its general and minutest bearings. His regular attendance on parliament, and his perfect acquaintance with its forms, enabled him to render the catholics the most important services. On some occasions, he stood almost single,—in some, first; and in all, he took a distinguished part.

On the 21st of June, the earl of Donoughmore presented to the house of lords, a petition from certain of the protestant nobility, gentry and freeholders of the county of Galway, in favour of the catholic claims, and moved that,—“ early in the  
“ next sessions of parliament, the house should

“ take into its early and serious consideration,  
“ those disabling statutes, which still continued to  
“ press upon his majesty’s roman-catholic subjects.”  
His lordship was supported by the duke of Sussex.  
and opposed by the lord chancellor. This noble  
and learned lord having intimated, in the course of  
his speech, that it was the particular duty of the  
bishops to resist the resolution :—“ I do not know,”  
said the bishop of Norwich in reply, “ what the  
“ opinion of the noble and learned lord may be, as  
“ to the duty of bishops ; but I beg leave to say,  
“ that it is their duty, as it is the criterion of an  
“ English bishop, to conciliate, not to divide ; to  
“ allay, not to exasperate religious differences. The  
“ only way to secure permanently the existence of  
“ any establishment, civil or ecclesiastical, is to  
“ evince liberal and conciliatory conduct to those,  
“ who differ from us, and to lay its foundation in the  
“ love, affection and esteem of all within its in-  
“ fluence. To use the words of my favourite  
“ author, ‘ *Carum esse principem, benè de repub-*  
“ *licâ mereri, laudari, coli, diligi, gloriosum est :*  
“ *metui vero et in odio esse, invidiosum, detes-*  
“ *tabile.*’ The most enlarged principles of tole-  
“ ration, while they tend in their operation to  
“ reconcile all sects, to bring all dissents of faith,  
“ within the pale of charity, and to smooth the  
“ asperity of religious differences, never yet dis-  
“ turbed the tranquillity of any state, or shook the  
“ security of any church. A CHRISTIAN SPIRIT  
“ CAN NEVER ENDANGER A CHRISTIAN ESTABLISH-  
“ MENT.”

“ I will,” concluded his lordship, “trouble the  
 “ house no longer ;—but I hope I may be pardoned  
 “ for saying that the sentiments, which I have de-  
 “ livered, deserve the serious consideration of his  
 “ majesty’s ministers. Having obstinately persisted  
 “ in opposing the claims of four millions of his  
 “ majesty’s subjects,—and having raised the dan-  
 “ gerous cry of ‘ *no popery*,’ when concessions  
 “ to them were proposed, they may, unless they  
 “ adopt a more conciliating conduct, be compelled  
 “ to hear from the other side of the water, the  
 “ more dangerous cry of ‘ *no union*.’ ”

The house then divided,—69 votes in favour of  
 earl Donoughmore’s motion, 73 against it ; so that  
 it was rejected by a majority of 4 votes only.

No words can express the gratitude and veneration,—which, from this time, every catholic of  
 the united empire, has felt for the prelate, who thus  
 advocated their cause.

“ We attend his reverend length of days,  
 “ With benediction and with praise ;  
 “ And hail him in our public ways,  
 “ As some bless’d spirit fam’d in ages old.”

AKENSIDE.

On the 25th of June, sir John Hippisley brought  
 up the report of the select committee appointed  
 to inquire into the laws and ordinances of foreign  
 states, regulating the intercourse between their  
 roman-catholic subjects and the see of Rome. He  
 took occasion to observe, that, “ had such a report  
 “ as he had then the honour to present, appeared  
 “ at an earlier period, he felt the strongest con-



“ viction that much of the disorders, by which  
“ Ireland was agitated, would have been prevented.  
“ Such a mass of evidence, as the report contained,  
“ would have rendered it impossible for any self-  
“ interested persons, who entertained but little re-  
“ gard for the honour of their religion, to impose  
“ on so large a class of his majesty’s subjects.” He  
mentioned, “ what had been the course of inquiry  
“ adopted by the committee. They had first di-  
“ rected their attention to the mode of nominating  
“ the superior or episcopal order of the clergy ;  
“ and 2dly, to the rules and ordinances regulating  
“ the connection with the papal see, and to the  
“ *royal exequatur*, or prevention of the intromission  
“ of papal rescripts. By the report, it would be  
“ seen, that in every country, the government  
“ exercises a control over the interference of the  
“ papal authority ; and, that in no case, the bishops  
“ enjoy their rank, without the direct sanction of  
“ their respective government.” He concluded  
with moving that the report should be laid on the  
table.

The report accordingly was laid upon the table,  
and ordered to be printed\*.

That sir John Hippisley’s report contains much cu-  
rious and valuable information, on the very important

\* Some valuable information respecting the appointment  
of this committee, and the formation of the report, is contained  
in a publication of sir John Hippisley’s, intituled, “ The Sub-  
“ stance of a Speech of sir John Cox Hippisley, bart. in the  
“ House of Commons, on Tuesday, May 11, 1813, for the  
“ appointment of a Select Committee on the subject of the  
“ Catholic Claims. 8vo. 1815.”

subjects, to which it relates, must be admitted; but it must also be admitted that, in the part of it, which relates to ancient records, there is almost a total silence respecting those historical events and documents, which the advocates of the papal prerogative usually cite as precedents in support of the papal claims. These are fully exhibited by father Persons, in his Reply to sir Edward Coke, which we have noticed in a former page: a work which should be attentively perused by all, who wish to form an accurate opinion on this part of sir John Hippisley's report.—Another objection to it is, that the opinions of the advocates of the *nova disciplina*,—or the new doctrines of the German liberales,—are produced, as opinions of acknowledged authority, when they are almost entirely discountenanced by the sober catholics of every kingdom. A still further objection is, that, in the account given of the transactions between the popes and the sovereigns, the distinction between what the popes admit to belong of right to sovereigns—what they consider as settled by concordats, or arrangements, in which each party has given up something which he claims as his due;—and what the popes consider as derogatory from their just right, though in practice, and to prevent a greater evil they acquiesce in their deprivation of it,—is not noticed.—An able examination of the report was published by Mr. Lingard. But with all the imperfections, which can be justly imputed to it, the report is certainly a very interesting compilation: an analytical discussion of it is desirable.

1817.

On the 9th of May, Mr. Grattan again moved the house of commons on the Irish catholic petition: his motion was negatived by a majority of 24; the ayes being 221, and the noes 245. On the 16th of the same month, the earl of Donoughmore again brought the catholic question before the house of lords, by a motion, that “the house should resolve “into a committee to consider the petitions from “the catholics of Ireland;” on a division, it was negatived by a majority of 142 voices to 90. This result was the more afflicting as it was quite unexpected.

The act passed in this year “to regulate the “administration of oaths in certain cases, to officers “in his majesty’s land and sea forces,” by which the catholics of the united empire were essentially served, has been fully noticed in a preceding chapter.

1818.

Still, the catholics persisted in their determination not to relax their efforts for obtaining the repeal of the laws, which remained in force against them. Their spirits were revived by the discussions, which took place in May 1818, upon general Thornton’s motion, “for the repeal of the acts of the 25th “and 30th Charles the second, requiring a declaration against transubstantiation, and asserting the “worship of the church of Rome to be idolatrous.” In the account, which we shall give, in our next



chapter, of Mr. Plunkett's motion, for the relief of the roman-catholics, the fate of that gentleman's application for the repeal of these two extraordinary statutes will be mentioned. In this place we shall only state succinctly, that lord Castlereagh moved the previous question upon the general's motion, and that his lordship's motion was unanimously carried.

The general had proceeded without consulting the catholics; and so far against their wishes, that a deputation from the board had waited on lord Liverpool, expressing, that there was no concert between them and the general: admitting however, that the repeal of both acts was earnestly desired by them. The deputation was received by his lordship in the most obliging manner; he discussed with the gentlemen, who waited upon him, the comparative situation of the English catholics, in respect to the nation at large, the protestant dissenters, and the Irish catholics: he appeared to be extremely well informed on these subjects, and intimated, in a clear but not an unfriendly manner, the nature of the difficulties in the way of their relief.—This circumstance, and some things which took place while general Thornton's motion was in agitation, were of a nature to raise the hopes of the catholics, and stimulate them to new exertions.

1819.

ON the 13th of January, the board of the British catholics met,—his grace the duke of Norfolk, the earl marshal, in the chair,—and came to two

resolutions, that a petition for the repeal of the penal laws should be immediately presented, and that earl Grey should be requested to present it in the house of lords, and lord Nugent in the house of commons. A petition was accordingly framed and numerous signed.

On the 24th of April, the board of English catholics,—(the duke of Norfolk in the chair),—resolved unanimously, “ That, as a small token of the  
“ veneration and gratitude, due by every catholic  
“ in the British empire to the right reverend doctor Henry Bathurst, lord bishop of Norwich,  
“ Mr. Turnerelli should be requested to execute a  
“ bust, in marble, of that illustrious and venerable  
“ prelate, in order that the same might be placed  
“ in the British catholic board room ; and that the  
“ sum of one hundred and twenty guineas, required  
“ to pay the expenses thereof, should be defrayed  
“ by a particular subscription among the members  
“ of the board, of one guinea each only, in order,  
“ that an opportunity might be afforded to a greater  
“ number of individuals, to evince their affection  
“ and respect towards a prelate, so eminently deserving the character of a christian bishop.” The bust has since been executed, and does the greatest honour to the artist.

On the 3d of May, Mr. Grattan moved that the house should resolve itself into a committee for  
“ taking the state of the laws against the catholics  
“ into consideration, with a view to determine,  
“ whether and how far the same ought to be

“repealed.” On a division, the numbers in favour of his motion were 241;—against it 243; so that it was rejected by a majority of two voices only.—Mr. Croker was particularly distinguished by one of the most argumentative speeches ever heard in the house,—it chiefly turned on the annual acts of indemnity, the operation of which he demonstrated to be much more extensive and much more favourable to the catholics, than was generally supposed. The same had ever been thought by the writer; and when professionally advised with, he had always given this opinion.

On the 17th of the same month, the earl of Donoughmore made a similar motion in the house of lords. Doctor Marsh, who had been advanced to the bishopric of Rochester, and thence translated to that of Peterborough, opposed the motion in an ingenious speech, the object of which was to show that the catholics were not excluded from the blessings of the constitution for their belief respecting transubstantiation, the invocation of the saints, or their other speculative opinions,—but because they divided their allegiance, giving *part* of it to their own sovereign, and *part* to a foreigner; and that they ought not therefore to be placed on the same rank with those, who gave *all* their allegiance to their native king. In this notion, the right reverend prelate was triumphantly refuted by earl Grey. On the division, 147 votes appeared to be against, and 106 in favour of the motion of the noble earl, so that it was rejected by 41 votes.



On the 25th of the same month, earl Grey introduced a bill into the house of lords to repeal those parts of the acts of the 25th and 30th of king Charles the second, which require persons, previous to admission into offices, or to either house of parliament, to subscribe certain declarations against the doctrines of transubstantiation, the invocation of saints, and the sacrifice of the mass. On the 15th of the following June, the motion for the reading of the second bill, seconded by the bishop of Norwich, and supported by the earl of Harrowby and lord Grenville, was negatived by a majority of 59,—the contents for the bill being 82, the non-contents 141.

Throughout the whole of this period, both the boards were anxious to call the attention of parliament to the laws in force exclusively against the British catholics. Their condition seemed entitled to particular notice, as they are liable to several penalties and disabilities, to which the Irish members of their communion are exempt. It may be added, that the real merits of the catholic cause were so great, that it gained, at least in public opinion, on every discussion : this circumstance was often urged as an argument for multiplying the discussions of it.

In these reasons for agitating their case, there was weight ; but the objections to it were serious. Most of the leading advocates of their cause thought, that no application for partial relief would succeed,—and that, if it did succeed, it would not materially ameliorate their situation. They also observed, that no relief would ever be granted to the English

catholics, without granting the same degree of relief to the Irish ;—and this, it was said, could not be expected, unless the Irish question should be brought fully before the house. It was also observed, that the catholic question, if brought on separately, must either precede or follow the Irish discussion : if it preceded, its discomfiture,—(which was always too probable),—would prejudice the Irish cause ;—if it followed, then, if the Irish application had succeeded, its success would render an application from the British catholics unnecessary ; and if the Irish had been defeated, it would be impossible to expect that the British should succeed.

With respect to the advantages flowing from discussion,—it was admitted to be true, that the general cause had gained on every discussion : but it was remarked, that the repetition must at length weary ; and that it would prove fatal to the catholic cause to bring it before the house so often, as to bereave it of its interest, and make it disposed of as a matter of course, without a division.

These observations weighed with the catholic boards, and withheld their proceeding : still, they availed themselves of every opportunity which offered, of bringing the cause of their constituents favourably before the public, and the houses of parliament ; and, without obtruding themselves on persons in power, they took frequent occasion to wait upon them, to expose their case, and to dispose them favourably towards it. It may be truly said, that the conduct of the boards gained them the approbation both of his majesty's ministers, and

the leaders of opposition. The friends of each frequently mentioned it in the highest terms of commendation.

The speeches delivered by the respectable persons who presented the petitions of the British catholics to the houses of parliament, were perfect models of senatorial oratory, and alike calculated to conciliate their protestant, and to gratify their catholic hearers.—What protestant was not propitiated, what catholic was not dearer to himself, after he had heard the following dignified and generous exposition from Mr. Wyndham, on presenting the petition of the English roman-catholics to the honourable house of which his lordship is so bright an ornament.

“ I have a petition to present ; into the merits  
“ of which it is not now my intention to go. It  
“ respects a body of people, who labour under op-  
“ pressions of peculiar severity ; I mean the roman-  
“ catholics of England.

“ I admit the right of states to impose religious  
“ restrictions upon the people ; but that right should  
“ be only exercised, when called for by an impe-  
“ rious and over-ruling necessity. It is obvious no  
“ such necessity exists for the restrictions upon the  
“ roman-catholics of England, as they ask for  
“ nothing but that, which both church and state  
“ must deem it necessary to grant, and which justice  
“ must confirm. Who can pretend to have any  
“ fear of the roman-catholics ? Or to dread a  
“ disclosure of their power, by which their virtues  
“ must also be revealed ?



“ I will assert, then, if their power prove considerable, their inclinations are in a proportionate degree favourable to the interests of the country ; if their character be unknown, if they be obscure, —it is because they are deemed unworthy of our consideration, and are branded with our neglect. When I speak of their obscurity, I do not mean, that they are destitute of hereditary virtues and hereditary dignity—that they are not a part of that class which ought to be denominated *Ultimi Romanorum*.—I CANNOT CONTEMPLATE A MORE NOBLE AND AFFECTING SPECTACLE, THAN AN ANCIENT ROMAN-CATHOLIC GENTLEMAN IN THE MIDST OF HIS PEOPLE, EXERCISING THE VIRTUES OF BENEFICENCE, HUMANITY, AND HOSPITALITY. —If they are obscure, it is because they are proscribed as aliens to the state ; because they are shut out from this assembly, where many of those, who are far less worthy, are allowed to sit. Have they ever tried those vile arts which are exercised so successfully by so many to creep into pension and place ? Have they ever attempted to obtain their rights either by clamour or by servility ? *On the contrary*, THEIR CONDUCT HAS PROVED THAT NO OTHER BODY IS MORE JUSTLY ENTITLED TO RESPECT AND ADMIRATION.

“ I wish the petition to lie upon the table, that the contents may sink deep into the minds of this house ; and I hope the consideration will bring a final success to the cause of virtue and of truth. It is impossible that we can for ever bear the sight of our own injustice. Rectitude must

“ ultimately prevail, and I presume, that the object  
“ of this petition will be granted without a strug-  
“ gle.”

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## CHAP. LXXXVIII.

SUBSEQUENT PROCEEDINGS OF THE BRITISH  
CATHOLICS.

1820.

SUCH was the situation of the British catholics, when the proceedings for their complete and final relief were begun.

On the 15th of February 1820, a full meeting was held of the British catholic board, his grace the duke of Norfolk was in the chair. An address to his majesty on his accession to the throne was unanimously agreed to : such an address was afterwards presented and graciously received.

On the 7th day of the following June, a petition from the catholics was presented to his majesty at the levee : it was expressed in the following terms:

“ To the King’s most excellent Majesty :

“ The humble petition of the undersigned  
“ persons, professing the roman-catholic re-  
“ ligion in Great Britain,

“ Sheweth,—That your petitioners approach  
“ your majesty’s presence, ever entertaining the

“ deepest gratitude for the benefits conferred upon  
“ them, by the acts passed for their relief during  
“ the benevolent reign of your majesty’s royal  
“ father, their late lamented sovereign.

“ That there are, however, several penal and  
“ disabling laws still in force against them, which  
“ are alike injurious to their particular interests,  
“ and prejudicial to the general welfare of the state.  
“ They impose upon your petitioners the same in-  
“ capacities, with which the law visits convicted  
“ guilt : they encourage popular prejudices : they  
“ perpetuate religious dissensions : and they prevent  
“ that general concord in the empire so essential  
“ to its happiness, prosperity and independence.

“ That, though your petitioners are marked  
“ out as persons unworthy of public trust, yet they  
“ yield to no class of their fellow subjects in affec-  
“ tionate loyalty to your majesty, in dutiful sub-  
“ mission to the laws, in attachment to the liberties,  
“ and zeal for the honour of their country. They  
“ have been accused of giving to a foreign potentate  
“ part of that allegiance, which they owe to your  
“ majesty’s sacred person and government ; but  
“ they have repeatedly denied the charge, and they  
“ beg leave, at the foot of your majesty’s throne,  
“ again most solemnly to deny it.

“ They have lately joined with heart and voice  
“ in proclaiming your majesty their liege lord and  
“ sovereign. To your majesty they swear full and  
“ undivided allegiance : in your majesty alone they  
“ recognize the power of the civil sword within  
“ this realm of England. They acknowledge in no



“ foreign prince, prelate, state or potentate, any  
“ power or authority to use the same, within the  
“ said realm, in any matter or cause whatever,  
“ whether civil, spiritual, or ecclesiastical.

“ With these sentiments your petitioners throw  
“ themselves upon your majesty’s wisdom, liberality  
“ and justice. They humbly pray, if it shall seem  
“ meet to your royal judgment so to do, that your  
“ majesty may be graciously pleased to recommend  
“ their case to the favourable consideration of  
“ parliament. And they beseech Almighty God,  
“ by whom kings do reign, to bless your majesty  
“ with long and happy years to rule over them.”

This petition was signed by the duke of Norfolk, the earl of Surry, lord Shrewsbury, lord Kinnaird, lord Stourton, lord Petre, lord Arundell and lord Clifford; by doctor Gibson, the vicar-apostolic in the northern district, doctor Smith his coadjutor; by doctor Collingridge, vicar-apostolic in the western district; by doctor Poynter, vicar-apostolic in the London district; by doctor Alexander Cameron, vicar-apostolic in the lowland district in Scotland, by doctor Alexander Paterson, his coadjutor; and by doctor Ronald Mac-Donald, vicar-apostolic in the highland district; by almost all the catholic baronets, (including sir George Jerningham, the claimant of the Stafford peerage); by almost all the catholic clergy, and by most other catholics of family. From the list of those who signed, we must except doctor Milner: he objected to the language of the petition: but his objections were not distinctly pronounced; and it is probable that

they were not considerable, as he permitted the petition to be generally signed both by the clergy and laity of his district.

By the petition, the catholics profess full and *undivided* allegiance to his majesty : this expression was particularly used to meet the charge, which, as we have mentioned in the preceding chapter, was brought against them by the bishop of Peterborough, of dividing their allegiance between his majesty and the pope.

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## CHAP. LXXXIX.

### PROCEEDINGS IN THE HOUSE OF COMMONS ON THE BILL FOR CATHOLIC EMANCIPATION.

1821.

*28th February.*

ON the 28th of February, lord Nugent presented to the house of commons the petition of the British catholics. He observed that it was signed by 8,000 persons :—that, among them, were seven peers, fourteen baronets, seven of their own bishops, and a considerable body of their own clergy. He remarked that there were but four baronies remaining, which had belonged to barons, who signed magna charta ; and that the representative of all the four,—the duke of Norfolk,—had signed the petition then presented to the house.

He stated that the oath of supremacy was the main obstacle to the admission of roman-catholics

to the same privileges as those which were enjoyed by their fellow-subjects,—the declarations against transubstantiation and the invocation of the saints being subsidiary to it:—that the belief of the supremacy of the pope was the only distinctive tenet of the catholics, which was supposed to carry with it any real danger to the state, and on that account, to justify the continuance of the penal code. But all belief of the supremacy, either temporal or ecclesiastical, of the pope, so far as it vested him with civil power, or with a right to interfere with civil concerns, was now disclaimed by the petitioners, and by the catholic body at large.

He shortly suggested some other topics, which should recommend the petition to the attention of the house, and obtain for it a favourable hearing:—he finally moved that the petition should be brought up:

Mr. Plunkett then presented to the house the petition of the Irish catholics:—After an animated and affecting eulogy of Mr. Grattan, in which every part of the house expressed a corresponding feeling, he made a similar motion. Both petitions were ordered to be laid on the table, and printed.

Having resumed his seat, Mr. Plunkett arose, to bring forward a motion upon the petition which he had presented. After some preliminary observations, he observed that the catholics, a very numerous portion of his majesty's subjects, were then before the house; they called for concessions,—which justice required, the constitution admitted, and policy warranted. The question was of deep



and vital importance to the country : the penal code was either a great public mischief, or a great public good. To meet such a question with objections to the plan of the proposed measure, to its form, or to its details, was not fair, manly, or candid. The question could not be viewed by any one as indifferent : it ought to be fairly met. It could not be forgotten by any candid or generous mind, that no portion of the people had been more distinguished for zeal or valour in the defence of their country than the catholics. They had fought the battles of the nation ; they had shed their blood with a pertinacity of self-devotion for the liberties and privileges of the British constitution, which showed that they were worthy to enjoy them.—He believed that there was great anxiety to concede the claims of the catholics, and that nothing but conviction that an imperious necessity made resistance to them an absolute duty, would induce the house to reject them.

He noticed the negative nature of all the oaths and declarations, the refusal of which subjected the catholics to the disabilities under which they labour : that none of the oaths or declarations contained any profession of attachment to the religion of the country : so that a person might be an infidel ; might believe in Jupiter, in Osiris, in all the host of heaven, in all the creeping things of the earth, still, if he disclaimed the belief of transubstantiation, the invocation of the Virgin Mary and the saints, and the spiritual supremacy of the bishop of Rome, he was entitled, as much as the most ortho-

dox protestant, to the full enjoyment of all the blessings of the constitution.

He noticed the epithets, by which the catholic doctrines were described on the oaths and declarations:—he said, that it was a proceeding contrary to the spirit of religion, an outrage on the doctrines of christianity, an insult upon reason, and an offence against piety to suppose that we were called upon to give foul names to those, who did not agree with ourselves, upon such subjects. You say, the catholic is an idolator: yet, before he enters upon any office, you make him swear, as a qualification for it, that he is an idolator: yet, you permit these idolators to build schools for teaching their idolatry; you tolerate the catholic religion, that is,—as you term it,—idolatry, in every portion of your dominions; in Canada you have established it;—and you have formed alliances with idolators, in every part of the world.

Mr. Plunkett then took higher ground:—it was, he said, a principle of the constitution to admit, and justice as well as policy required the state to admit, every person, performing the duties of a liege subject, into all the franchises and privileges of a subject, unless particular circumstances and events made limitations of them necessary:—it was also a principle of the constitution, that, when the causes, which produce this necessity, cease to exist, the limitations should cease with them.

Then,—are the roman-catholics liege subjects? All agree that they are. Why are they not entitled to all the rights of liege subjects? Because they

believe the spiritual supremacy of the pope. Is it a principle of the constitution to deprive of their civil rights all, who believe in this supremacy? Certainly there was no such principle before the reign of Henry the eighth, or rather before that of queen Elizabeth, when the legislature acknowledged the spiritual supremacy of the crown. Did it *then* become a principle of the constitution? No; but various circumstances then combining to make those, who denied the supremacy, generally suspected of disloyalty, the denial of the supremacy became, in the eye of the state, presumptive proof of disloyalty, and to guard against disloyalty was always a principle of the constitution. Afterwards, the crown was settled in the protestant line: to that settlement, roman-catholics were supposed to be universally averse; and this, their universal aversion to the protestant line, was deemed by the state to be another presumptive proof of their universal disloyalty. Still, it was not the religion of the catholics, it was the disloyalty supposed to be attached to their religion, it was their supposed aversion to the protestant line, that brought them within that principle of the constitution, which abridges those persons of their rights, from whom the constitution fears danger.

The moment their disloyalty ceased to be suspected, and their attachment to the protestant line was acknowledged, that moment the principle, by which their rights were abridged, ceased to apply to them, and, in the view of the constitution, they were restored to their rights.—This, he illustrated by several historical facts, particularly by the pro-



ceedings upon the union between England and Scotland, and afterwards by the proceedings upon the union with Ireland.—On the last union, what was done?—It was expressly provided, that the oaths should remain, till the legislature should otherwise provide. “Now then,” continued Mr. Plunkett, “I call upon parliament ‘*otherwise to provide.*’” “Backed by these clear proofs of the original nature of our constitution,—backed by the plain object and scope of the reformation,—by the plain object and scope of the revolution,—by the provisions of both the unions,—by the subsequent declarations of parliament, that the catholics are liege and loyal subjects—but, above all, backed by the practice of the last fifty years,—by the whole course of the late reign,—which, if the doctrines now maintained were not true, would be an outrageous violation of the constitution; —backed too by the declared opinions of all the great men, who have lived since the agitation of this question,—of Mr. Dunning, Mr. Pitt, Mr. Fox, Mr. Burke, Mr. Sheridan, and Mr. Windham; in short, by the authority of every man, whose name has had buoyancy enough to float upon the stream of time, I have triumphantly accomplished what I set out with asserting, —that the exclusion of the catholics was not a fundamental part of the constitution,”—yet why, —continued Mr. Plunkett, in a strain of oratory seldom equalled, and to which we confess our utter inability to do justice:—“yet why do I say triumphantly?—When I miss so many of the ornaments

“ that illustrated this house when the subject was  
“ formerly agitated, I should feel any thing but  
“ triumph !—Where is Whitbread, the incorrupti-  
“ ble and sleepless sentinel of the constitution ?  
“ Where, the more than dawning virtues of Horner ?  
“ the matured excellence of Romilly, that steady  
“ light that threw a lustre, not merely on his pro-  
“ fession and his country, but on every thing con-  
“ nected with the interests of our nature ?—Where,  
“ is my illustrious friend Ponsonby, the constitu-  
“ tional leader of the ranks of opposition ; revering  
“ alike the privileges of the crown and the rights  
“ of its subjects ? Where, is the lamented Elliot,  
“ as noble in his nature as liberal in his sentiments,  
“ —the model of a true and unaffected aristocracy ?  
“ Where is the firm constitutional integrity of  
“ Pigott ? But, above all, how shall I deplore that  
“ overwhelming and inestimable loss last sustained,  
“ and with which I dare not trust myself ? Missing  
“ the presence of all these, can I feel any thing like  
“ triumph ? Walking before the sacred images of  
“ those illustrious dead, as in a public and solemn  
“ procession, shall we not dismiss all party feeling,  
“ all angry passions, and unworthy prejudices ? I  
“ will not talk of triumph ; I will not mix in this  
“ act of public justice any thing that can awaken  
“ personal animosity.

“ I do submit, however, that I have established  
“ the point with which I started.”

Mr. Plunkett then adverted to the arguments,  
by which Mr. Peel, in the debate in 1813, had  
pressed for the continuance of the penal code. The

“ manner,” said Mr. Plunkett, “ in which the right  
“ honourable gentleman argued the question, is most  
“ dangerous. He says, that, if the catholics are true  
“ to the religion they profess, that they must aim  
“ at the subversion of the establishment.—Thus,  
“ according to his view, what ought to be done?  
“ the protestants and catholics are to be in a state  
“ of interminable hostility ; the former bound to  
“ support the establishment to the last gasp ; the  
“ latter bound to the latest breath to attempt its  
“ destruction.—Let us remain, says the right ho-  
“ nourable member, in this delightful condition of  
“ ease and security.

“ Such is the plan of the right honourable gentle-  
“ man.—What is the difference between him and  
“ me? If the house consents to the committee  
“ one suggestion I shall make will be, that the in-  
“ tercourse between the roman-catholics of these  
“ realms and the see of Rome shall be under the  
“ inspection of the state, and that it shall be ap-  
“ plied to spiritual purposes only. What is the  
“ remedy of the right honourable gentleman? To  
“ leave that intercourse as it is, uninspected.—I  
“ propose, in the next place, that, in the appoint-  
“ ment of bishops and clergy, effectual means shall  
“ be given to the crown of being assured of the  
“ loyalty of the person selected. What is the re-  
“ medy of the right honourable gentleman? To  
“ leave it exactly as it is. He is strangely satisfied  
“ with the existence of these evils ; he seems in  
“ love with the perfection of his danger, and resists,  
“ to his utmost, every attempt at amelioration.



“ But my third and last remedy, in comparison  
“ with which, the rest are trifling, vain and nuga-  
“ tory, is to incorporate the roman-catholics with  
“ the state, that *their* interest shall be *our* security ;  
“ to rivet them, as it were, to the state, and through  
“ the state to the establishment. I would unite the  
“ catholic by every affection and every good feeling  
“ of his nature,—by every motive that can operate  
“ upon his heart and head,—by every obligation  
“ that can bind his conscience, and every argument  
“ that can convince his understanding: not so  
“ much by adding to his power, as by removing  
“ every offensive exclusion—every unworthy dis-  
“ tinction. Now, what is the object of the right ho-  
“ nourable gentleman? To leave him as he is. Gra-  
“ cious heaven ! To have the great majority of the  
“ people of Ireland bound by every law of nature  
“ to aim at the subversion of the state ; for to me,  
“ the subversion of the state, is the subversion of  
“ the establishment. I do not propose to strike the  
“ shackle off his limbs, for he is free ; but to re-  
“ move the brand from his forehead, for he is  
“ stigmatized. I would not have him a marked man  
“ and a plotting sectary, but would raise him to the  
“ proudest rank that man can attain—to the rights  
“ and privileges of a free-born subject. Do not, I  
“ entreat you, as sincere friends to the protestant  
“ establishment, reject this appeal for justice and  
“ grace : do not drive your roman-catholic brother  
“ from your bar, a discontented sectary : do not  
“ tell him who wishes to be a friend, that he is, and  
“ ought to be an enemy.

“ The feeling, which I wish to see acted upon,  
“ is this—on the part of the protestant, not to ask  
“ the catholic for any thing in the way of security,  
“ which necessity does not require ; and on the  
“ part of the catholic, not to refuse any thing which,  
“ consistently with his principles and conscience,  
“ he can give, although it may appear to him un-  
“ necessary. It is this mutual feeling, and this  
“ alone, which can lead to the removal of prejudice  
“ the abandonment of irritating or extravagant  
“ propositions, and produce final and complete  
“ conciliation.”

The right honourable and learned member was heard throughout with the most profound attention, interrupted only by frequent cheers : he concluded, amid peals of acclamation from all parts of the house, by moving, that “ The house do resolve  
“ itself into a committee of the whole house, to  
“ consider the laws relating to the declarations  
“ taken as qualifications for offices, so far as they  
“ affected the Irish catholics ; and whether it would  
“ be expedient to alter or modify the same, so as to  
“ enable the said Irish catholics to take them ; and  
“ also to consider the propriety of removing the  
“ declaration against transubstantiation.”

Mr. Denis Browne seconded the motion.

Mr. Peel replied at length to Mr. Plunkett. His brother-in-law Mr. George Dawson expressed himself in a bolder tone. He declared that the catholics of Ireland enjoyed as much liberty as it was necessary for any set of men to enjoy : and recommended a total disregard of their petitions.

To this gentleman sir James Mackintosh made an eloquent reply.

Mr. Charles Grant supported the motion in a speech replete with wisdom. At the close of it he implored the house to consider that the fate of Ireland was at stake—to look at the state of the population of that country—to reflect on its present misery—and on what the parliament of Great Britain had already done for that country, under the auspices of our late sovereign. Let it no longer be said of Ireland, that having performed the duties which the constitution exacted, she was still excluded from the privileges to which she had a constitutional right.

Mr. Grant called on the house to ratify that night, the solemn contract of the union, and to make that great measure an union in reality what it was as yet only in name. What did Mr. Pitt, who had projected that measure, conceive to be its nature? He asked the house what meaning that great statesman attached to the following lines, which he had applied to the union of the two countries;—

“ *Non ego, nec Teucris Italos parere jubebo,*

“ *Nec mihi regna peto: paribus se legibus ambæ*

“ *Invictæ gentes æterna in fœdera mittant.*”

VIRGIL.

“ What,” he asked, “ did Mr. Pitt understand “ by the eternal laws of confederacy, which were “ in future to bind the two nations? Not in the “ relations of conqueror and conquered? but in “ equality of laws? We profess,” continued the right honourable gentleman, “ to follow the policy



“ of that enlightened statesman in our intercourse  
“ and relations with foreign countries ; but on his  
“ system of domestic policy, we have not yet acted ;  
“ nor will the maxims, on which that system was  
“ founded, be reduced to practice, till the inscription on his tomb records the liberation of Ireland.  
“ Look at the state of education in that country,  
“ and view its natives pursuing every means of acquiring knowledge. These are securities springing up, where they were least expected, as if sent by Providence to remove a base and illiberal pretext. Let us not take advantage of them to continue the present system of injustice ! but let us rather avail ourselves of them, as raised up by that Providence, which I believe to be the peculiar protection of national faith and national justice.”

The debate was concluded by lord Castlereagh. —He observed, that “ the only one question, upon which the congress of Vienna were unanimous, was that of doing away with distinctions and preferences on account of religion. We ought therefore not to be the power, which alone should continue such distinctions ; particularly as, thank God, our religion was not one, which in any degree sanctioned intolerance to those who differed from it.—When I apply,” continued his lordship, “ this principle to Ireland, I see the strongest reasons for supporting it. I would not have it understood that the question of catholic emancipation was ever held out to Ireland as a pledge for the union of that country with England. It was distinctly understood, that

“ that question was to be left entirely to the discretion of the legislature. Looking, however, to the situation of Ireland, I maintain that the only practical mode of effectually putting an end to the embarrassments, which are met in the government of Ireland, would be, by removing the discontents arising from the present situation of the roman-catholics. I do declare, that we never can expect to settle the differences which exist in Ireland, and to apply to it the remedies which its internal condition requires, until this question is finally and amicably adjusted.”

The house then divided, ayes 227,—noes 221, so that the motion was carried by a majority of six votes.

*2d March.*

On the 2d of March, Mr. Plunkett attended at the bar of the house, with the bills, which he had obtained leave to bring in. They were ordered to be brought up, and read a first time; then ordered to be printed, and to be read a second time, on Friday the 16th of March.

He then moved for the order of the day for the house to resolve itself into a committee to consider the case of the catholics.

He said, that, with a view to afford still further means for such consideration, he wished to have the object of those, who were friendly to the catholic claims, distinctly understood; and therefore he should propose the following resolutions.

1. “ That it appears to this committee, that by certain acts passed in the parliaments of Great

“ Britain and Ireland respectively, certain declarations and affirmations are required to be made, as qualifications for the enjoyment of certain offices, franchises, and civil rights therein mentioned.

2. “ That such parts of the said oaths, as require a declaration to be made against the belief of transubstantiation, or that the invocation or adoration of the Virgin Mary, or any other saint, and the sacrifice of the mass, as used in the church of Rome, are superstitious and idolatrous, appear to this committee to relate to opinions merely speculative and dogmatical, not affecting the allegiance or civil duty of the subject, and that the same may therefore safely be repealed.

3. “ That it appears to this committee, that in several acts passed in the parliaments of Great Britain and Ireland respectively, a certain oath, commonly called the oath of supremacy, is required to be taken, as a qualification for the enjoyment of certain offices, franchises, and civil rights therein contained.

4. “ That, in the said oath, a declaration is contained, that no foreign prince, person, prelate, state or potentate, ought to have any jurisdiction, power, superiority, pre-eminence, or authority, ecclesiastical or spiritual, within these realms.

5. “ That it appears to this committee, that scruples are entertained by his majesty’s roman-catholic subjects, with respect to taking the said oath, merely on account of the word ‘ spiritual ’ being inserted therein; and that, for the purpose



“ of removing such scruples, it would be expedient  
“ to declare the sense, in which the said word is  
“ used, according to the injunction issued by queen  
“ Elizabeth, in the first year of her reign, and re-  
“ cognized in the act of the fifth of her reign ; and  
“ which, as explained by the thirty-seventh of the  
“ articles of the church of England, imports merely,  
“ that the kings of this realm should govern all their  
“ states and degrees committed to their charge by  
“ God, whether they be ecclesiastical or temporal,  
“ and restrain with the civil sword the stubborn and  
“ evil doer.

6. “ That it is the opinion of this committee,  
“ that such act of repeal and explanation should be  
“ accompanied with such exceptions and regula-  
“ tions, as may be found necessary for preserving  
“ unalterably the protestant succession to the crown,  
“ according to the act for the further limitation of  
“ the crown, and better securing the rights and  
“ liberties of the subject, and for maintaining in-  
“ violate the protestant episcopal church of England  
“ and Ireland, and the doctrine, government and  
“ discipline thereof, and the church of Scotland,  
“ and the doctrine, worship, government and dis-  
“ cipline thereof, as the same are by law respectively  
“ established.”

The house then went into a committee, and the resolutions were agreed to and reported :—leave was given to bring in a bill, and the following members were appointed to prepare and bring it in; Mr. Plunkett, lord Castlereagh, Mr. Charles Grant, Mr. Tierney, lord Milton, Mr. Charles William

Wynn, sir John Newport, sir Henry Parnell, doctor Phillimore, and sir James Mackintosh.

*3d March.*

Mr. Plunkett attended at the bar, with the bill which he had obtained leave to bring in on a former evening, “for providing for the removal of certain “disqualifications and disabilities under which his “majesty’s roman-catholic subjects laboured. The “bill was brought up, and read a first time. It was “then ordered to be printed, and read a second “time on Friday the 16th March.

Mr. Plunkett then brought in another bill, for regulating the intercourse between persons in holy orders, professing the roman-catholic religion, and the see of Rome. This was also read a first time, ordered to be printed, and to be read a second time on Friday 16th of March.

It would fill too many pages of this History to transcribe in it the two bills and the subsequent variations of them; the writer will therefore do no more than mention succinctly the contents of each, and state at length the oath asserting the supremacy of the crown, both in the civil and the ecclesiastical establishments, which was prescribed to be taken by the first bill.

That bill was intituled “a bill for the removal “of the disqualifications under which his majesty’s “roman-catholic subjects now labour.”

The second was intituled, “a bill to regulate the “intercourse between persons in holy orders,

“professing the roman-catholic religion, with the  
“see of Rome.”

It has been observed, that Mr. Plunkett’s original design was to effect his intention in respect to the oath of supremacy, by inserting a legislative interpretation of it in the act. Such a clause was inserted in the first bill: it enacted, “That nothing contained  
“in the said oath of supremacy should be understood  
“to express or imply further or otherwise, than that  
“the persons taking the same, do thereby unservedly and unequivocally profess and declare,  
“in the presence of Almighty God, that no foreign  
“prince, person, prelate, state or potentate, hath or  
“ought to have any jurisdiction, power, supremacy,  
“pre-eminence or authority, temporal, ecclesiastical or spiritual, within this realm, that in any  
“manner or for any purpose conflicts or interferes  
“with the duty of full and undivided allegiance,  
“which by the laws of this realm is due to his  
“majesty, his heirs and successors, from all his  
“subjects, or with the legal rights of his majesty’s  
“subjects, or any of them.”

*16th March.*

On the 16th March, the bill for catholic relief was read for the second time. But previously to its being read, some petitions against it were presented:—The most remarkable of them, was a petition against the bill from the roman-catholic clergy and inhabitants of Staffordshire and Warwickshire. It is expressed in the following terms:—



1st, "That the petitioners are, and have proved  
" themselves, in times of public disturbance, to be  
" loyal and peaceable subjects of his majesty; that  
" they are steadfastly attached to the free and happy  
" constitution of their country; and that they hold  
" themselves bound 'to disclose and make known to  
" his majesty, his heirs and successors, all treasons  
" and traitorous conspiracies which may be formed  
" against him or them,' or against the establish-  
" ment in church or state, of the united kingdom :

2dly, "That they reject and abjure every doc-  
" trine proscribed by the legislature in the act above  
" quoted for their relief as inconsistent with the duty  
" of good citizens and subjects, and the following  
" doctrine in particular; that 'any foreign prince,  
" prelate, state or potentate, hath or ought to have  
" any temporal or civil jurisdiction, power, superi-  
" ority, or pre-eminence, directly or indirectly,  
" within this realm,' and that they never have been  
" so much as accused of abetting by word or act  
" any of those proscribed doctrines :

3dly, "That nevertheless, certain bills, as the  
" petitioners learn with grief and dismay, have been  
" prepared and brought into parliament, which,  
" containing different articles contrary to their  
" religious belief and obligations, if sanctioned by  
" the legislature, will place them, and the great  
" majority of their fellow roman-catholics, in the  
" condition of criminals, and subject them to a re-  
" ligious persecution :

4thly, "That the petitioners cannot conscien-

“ tiously take or subscribe the oath of supremacy,  
“ even under the injunction or explanation of queen  
“ Elizabeth, A. D. 1559, inasmuch as in this very  
“ injunction she claims all ‘ the power and authority  
“ challenged and used by her father Henry the  
“ eighth, and her brother Edward the sixth ;’ and,  
“ as in disclaiming the actual ministry of God’s  
“ word and the sacraments, she ever claimed to be  
“ the only source of that ecclesiastical and spiritual  
“ jurisdiction by which bishops and priests exercise  
“ it ; hence the bishops of that period lost their sees,  
“ and many other catholics their lives, for refusing  
“ the oath, notwithstanding that explanation :

5thly, “ That it is not lawful for them to swear  
“ or engage themselves, not to correspond with the  
“ chief pastor of their church, or with any persons  
“ holding spiritual authority from him, except by  
“ permission of the civil power, on subjects of their  
“ common religion (to say nothing of literature,  
“ civility, and charity), as may be gathered from  
“ the printed reports of the honourable house of  
“ commons June 25th 1816 ; but that, if any de-  
“ triment or danger to the state should exist from  
“ such correspondence, there are the same reme-  
“ dies already provided against it as against all  
“ other illegal or dangerous correspondence what-  
“ ever :

6thly, “ That however important it is that their  
“ pastors, in common with those of other religions,  
“ should be good and loyal subjects, they are per-  
“ suaded that this object can and will be more

“effectually secured by the free choice of their  
“present loyal and well-informed prelates, than  
“through the influence of any other persons whom-  
“soever, subject, as the latter must be, to be misled  
“by malicious and interested reports respecting  
“the candidates ; the petitioners, therefore, most  
“humbly beg that whatever changes may take place  
“in their civil capacities, their religion, on which  
“their present comfort and their future hopes are  
“grounded, may not be injured, nor their clergy  
“disgraced, and least of all, in a bill or bills pro-  
“fessing to afford them relief.”

This petition gave rise to an animated conversation ; the adversaries of catholic emancipation seizing it with avidity as a document ruinous to the measure ; the advocates of the bill declaring it to be entitled to no attention, as it had not, to use the language of sir James Mackintosh, “received  
“the signature of a single leading catholic gentle-  
“man in the counties from which it came, except  
“indeed it were that of doctor Milner, the apos-  
“tolic vicar.”

Mr. Plunkett then arose and stated the substance of the bills.

The first bill, was for removing the disqualifications, under which the catholics laboured, from their refusing to take the oath of supremacy, and to make the declaration against transubstantiation. He observed, that the catholics had always been ready and desirous to take the oath of allegiance in common with his majesty's other subjects, but entertained scruples with respect to taking the oath of



supremacy, as it might be construed to import a disclaimer of the spiritual authority of the pope. He contended from the admonition of queen Elizabeth, sanctioned by the act of the fifth of her reign, and explained in the thirty-seventh article of the church, that, the object of the oath, was not to meddle with any power, merely spiritual, of the pope, but simply to deny to him all authority or power incompatible with the civil duty and allegiance which was due to his majesty as sovereign of the realm, from all his subjects. Others, he observed, had thought differently, and the catholics in general had put a different interpretation upon the oath ; and their objections to it were founded on this interpretation. To remove such scruples, he intended that the act should contain a legislative interpretation of the oath, which would reconcile the catholics to it. He intended also that the declaration against transubstantiation should be abrogated entirely, as a qualification for offices.—It was his further intention that taking the oath of supremacy should entitle the catholics to all the benefits, to which the taking of the oaths contained in the acts of 1791 and 1793, would confer on them. Still, he wished the catholics to retain the benefit of those acts : and he had therefore inserted a clause, which left it optional in them, so far as regarded their entitling themselves to the beneficial provisions of those acts, to take either the oaths prescribed by them, or the new oath.

He then noticed the exception contained in this bill : it provided, that nothing contained in it should

enable a roman-catholic to hold and enjoy the office of lord high chancellor, lord keeper, lord commissioner of the great seal of Great Britain, or the office of lord lieutenant or lord deputy, or other chief governor of Ireland.

The object of the second bill was, as its title imported, “to regulate the intercourse between persons in holy orders professing the roman-catholic religion with the see of Rome.”—As these were formed on the plan adopted in the bill of 1813, though considerably modified and softened, we shall not now particularize them.

After this, Mr. Plunkett stated his reasons for effecting the object by separate bills. At the same time, however, he distinctly stated, that both he and the gentlemen, who acted with him, were perfectly ready to admit that, if the first bill were passed, the second must go on;—and he declared himself also ready to say, that there was no material objection, on his part, to the consolidation of both the bills.—He then expatiated with equal eloquence and solidity of argument on the utility of the measure and the advantages likely to result from it. He concluded, in the following words:—

“England planted popery in Ireland;—she then, by a series of violent measures, attempted to eradicate the religion, which she herself had established. The new settlers, anxious for their own interests, did all in their power to prevent the Irish from shaking off the faith impressed upon them by the English, because, by so deluding the people, they were the better able to

“ confiscate the estates of those, whom they were  
“ interested in deceiving. It was not till the re-  
“ volution that the catholics of Ireland were in,  
“ what might be considered, a settled state in the  
“ country. In England there had been two rebel-  
“ lions and one insurrection since that period ; and  
“ yet the roman-catholics of Ireland had been uni-  
“ formly tranquil within that time ; and upon that  
“ proof of their allegiance they grounded their claim  
“ for a removal of those privations, which were now  
“ unnecessarily prolonged against them.” The  
catholics of Ireland had, he remarked, been during  
the last century, uniformly tranquil. He repeated  
this expression, and asked, “ can the rebellion in  
“ 1798 justly be called a catholic one ? Did it  
“ not originate among protestants ? Were not  
“ the leaders in it protestants ? Was it not com-  
“ menced amongst the protestant population of  
“ the north of Ireland, while, at the same time,  
“ the catholic population of the south of Ireland  
“ remained tranquil ? Did it not appear, that when  
“ the French invasion took place in 1796, there  
“ was not a single rebellious organization of men in  
“ the whole southern population, from Dublin to  
“ Cork ?—Not a single catholic in that extensive  
“ province ? It was the uniform tenor of this  
“ conduct which justified the recital in the bill  
“ which he had brought into the house,—‘ that after  
“ the due consideration of the situation, disposi-  
“ tions, and conduct of his majesty’s roman-catholic  
“ subjects, it appeared just and fitting to commu-  
“ nicate to them the full enjoyment of the benefits



“and advantages of the constitution and government happily established in this united kingdom;”  
“—thus putting an end to religious jealousies, consolidating the union between Great Britain and Ireland, and uniting and knitting together the hearts of all his majesty’s subjects in one and the same interest, for the support of his majesty’s person, family, crown and government, and for the defence of their common rights and liberties.”

Mr. Plunkett concluded nearly in these terms: “I have now,” continued Mr. Plunkett, “tr<sup>e</sup>passed longer upon the time of the house than I had at first intended, in submitting to them the details of the two bills.—I implore the house to adopt them; to conciliate that kind-hearted, enthusiastic, and loyal people; to enable the throne, at the moment when happily it might do so with safety and advantage to the state, to confer the high and generous privileges, which belonged to the free subjects of a free government, upon the roman-catholics of this realm—to enable the monarch to enjoy the highest gratification of which his enlightened mind can be susceptible;—namely,—the gratification of seeing the hearts of his subjects throb with gratitude for his gracious acts, and approach his throne ready to shed the last drop of their blood, and to spend the last shilling of their treasure, in support of those laws and that constitution, in the whole benefits of which they were now allowed to participate.” He concluded by moving the order

of the day “ for the second reading of the roman-catholic disabilities removal bill.”

The Speaker then put the question that, “ the bill be now read a second time.”—After a short silence, Mr. Bankes opposed the motion by a long, a temperate and an argumentative speech : his objections to it were, that it would not satisfy the catholics, and would endanger the protestant ascendancy.—He was followed by Mr. Bragge Bathurst, who moved, as an amendment, that “ the bill should be read a second time that day six months.” This, sir James Mackintosh opposed in a speech, not of much length, but of great power. Mr. Peel followed him. He admitted that excluding catholics from high office and power was both an evil to them and an evil to the state ; but contended that doing away the exclusion would be a greater evil than continuing it. Mr. Canning replied to Mr. Peel ; and the house finally divided,—for the original question, 254 ; against it, 243 : so that there was a majority of 11 for the second reading of the bill.

*19th March.*

On the 19th of March, Mr. Plunkett informed the house that some alterations having been made in the bill, and some new clauses introduced into it, since it had been printed, he thought that the house should resolve itself into a committee, to adopt formally the new clauses, in order to their being printed ; and that the debate on the clauses

should be reserved for the re-committal. The house accordingly went into a committee; the clauses were brought up, the house resumed, and the bill brought in and ordered to be re-committed on Friday; and, in the mean time, to be printed.

The principal alteration was, that the explanation of the oath of supremacy was incorporated into the oath introduced into this bill, and thus became a part of it. The oath then stood as follows:

“ I, *A. B.* do swear, that I do from my heart,  
“ detest, abhor and abjure, as impious and unchris-  
“ tian, the doctrine and position, that princes ex-  
“ communicated or deprived by the pope, or any  
“ authority of the see of Rome, may be deposed or  
“ murdered by their subjects, or any other what-  
“ soever; and I do declare, that no foreign prince,  
“ prelate, state or potentate, hath or ought to have  
“ any jurisdiction, power, superiority, pre-eminence  
“ or authority, ecclesiastical or spiritual, within this  
“ realm, that in any manner or for any purpose  
“ conflicts or interferes with the duty of full and  
“ undivided allegiance, which by the laws of  
“ this realm is due to his majesty, his heirs and  
“ successors, from all his subjects, or with the  
“ civil duty and obedience which is due to his  
“ courts, civil and ecclesiastical, in all matters con-  
“ cerning the legal rights of his subjects, or any of  
“ them. And I do solemnly, in the presence of  
“ God, profess, testify, and declare that I do make  
“ this declaration, and every part thereof, in the  
“ plain and ordinary sense of the words read unto



“ me, without any evasion, equivocation, or mental  
“ equivocation whatsoever. So help me God.”

Almost immediately after this stage of the business, a severe domestic calamity obliged Mr. Plunkett to return to Ireland ;—he was accompanied thither with the benediction of all the catholics of the united empire ;—in the memory of them and their descendants he will ever live.

In consequence of this event, the care of the bill devolved to sir John Newport, one of the oldest, ablest and most active of the catholics.

In the mean time, a petition against the bill had been presented by the reverend Mr. Hayes, a catholic priest.—Of this gentleman Mr. Carew gave the following curious account in the house of commons :

“ I beg leave to state what has fallen within my  
“ own personal knowledge, of the political character  
“ of this reverend gentleman, and the house will  
“ judge what confidence can be placed in the asser-  
“ tions of the petitioner. My first acquaintance with  
“ the reverend gentleman was at the catholic meet-  
“ ings which were held some years ago in Wexford  
“ to petition parliament. Mr. Hayes was always  
“ found at the head of every thing that was most vio-  
“ lent ; and I have repeatedly known the chairman, a  
“ most respectable catholic, threaten to leave the  
“ chair, if resolutions which the major and mode-  
“ rate part of the meeting conceived to be insulting  
“ to the crown and to the legislature, were pressed.  
“ The reverend gentleman was in consequence

“ always obliged to pocket his resolutions. My next  
“ acquaintance was from a complaint made to me  
“ by his own bishop, the late doctor Ryan, that he  
“ had been obliged to reprimand and silence Mr.  
“ Hayes for having preached a seditious sermon in  
“ Wexford, tending to separate the two countries.  
“ His next public exploit was at Rome, where it is  
“ said he offered a personal insult to the venerable  
“ head of his own church. The house will judge  
“ of the weight due to his petition, by what I have  
“ stated, from my own personal knowledge, of his  
“ political conduct in Wexford. The reverend gen-  
“ tleman states that the bill is displeasing to the Irish  
“ catholic laity. I will, with permission, read a letter  
“ I have received from a most respectable catholic  
“ gentleman in the county of Wexford, and I beg  
“ to state, that his sentiments and those of other  
“ most respectable catholics of that county, with  
“ whom I have conversed and corresponded, are  
“ most decidedly favourable to the measure.”

Of those, who advocated the bill in this stage of it, the voice of none was more grateful to the catholics, or heard by the house with greater attention and respect, than that of Mr. Wilberforce. The high opinion entertained universally of his ability, integrity and beneficence, and the reputation, which he has deservedly acquired by his successful exertions for the abolition of the slave trade—the greatest triumph obtained in our times—in the cause of humanity, have endeared him to the public, and rendered his patronage of any cause of incalculable value. His mild and persuasive eloquence, was

exerted in this, as it is on every other occasion, in behalf of the aggrieved. “When I see,” said this excellent person, “roman-catholics possessed of intelligence, rank and property, how can I but wish to see them furnished with the means of using that intelligence, holding that rank, and enjoying that property, in a manner, which, while it best conduces to their own happiness, will most contribute to the welfare of their country. Their disabilities are the relics of a long course of oppression. They are not restrictions; they are a degradation: to continue them, is making them wear a prison-suit, after they are left to go at large. Is it in the order of things, is it reasonably to be anticipated, that a great, a high-minded, a gallant people, when treated with kindness, should not feel, should not be sensible of that kindness?—should not be grateful for it?—should not serve with fidelity and zeal those, from whom they had received it?” Mr Wilberforce concluded by stating, that “with whatever apprehension he approached the subject, a feeling with which, from his sense of its importance, he was deeply impressed, a feeling, which from his heart he did certainly entertain;—(for there were many, who knew, with what tenderness and caution he had at length come to a conclusion, which was somewhat in contrariety to that which he had formerly entertained on the matter),—yet, after hearing much, and reflecting much, he then thought, that the object of the motion before the house, was calculated to ensure the



“ultimate security of the country.” This explicit declaration in favour of the bill, by a member so greatly loved and venerated, could not but recommend it to every part of the house.

23d March.

On the 23d of March lord Nugent presented a memorable petition.—“It was,” he said “a petition from four English catholic peers, the only four catholic peers at that time within reach of London, who prayed that the bills then in progress might pass into a law. The first of these petitioners,—(the duke of Norfolk)—was,” his lordship observed, “by rank, and by the precedence of centuries, at the head of the peerage of the kingdom; the second,—(the earl of Shrewsbury),—was the *premier* earl; and the two others,—(lord Petre and lord Arundell),—were, he might say, nearly at the head of the class of the peerage, to which they belonged.” The petition, stated, that “they had read a bill, which they observed, by the votes of the house, had been read a second time, intituled, ‘a bill to provide for the removal of the disqualifications under which his majesty’s catholic subjects then laboured:’ that they had attentively considered the form of oath therein proposed to be taken by his majesty’s roman-catholic subjects as a substitute for the oath of supremacy then by law required to be taken as a qualification for the enjoyment of constitutional privileges;” that, “as the petitioners had thitherto been precluded from taking their seats in the

“ house of peers of the united kingdoms, only by  
“ the oaths and declarations theretofore required to  
“ be taken as a qualification for sitting therein,  
“ they deemed it their duty to declare to the  
“ house, that they considered the oath proposed by  
“ the present bill, as perfectly consistent with the  
“ principles of their religion ; and that, if the bill  
“ should pass into a law, they were accordingly  
“ ready to take the same in the terms prescribed by  
“ the said bill, or in such other terms, to the same  
“ effect, as might seem fit to the wisdom and justice  
“ of the house : The petitioners therefore prayed,  
“ that the said bill might pass into a law.”

Sir John Newport then proceeded to move the order of the day for the further consideration of the report of the bill. He noticed the domestic calamity, which had befallen the mover of the bill, and had made it necessary for him to set off suddenly for Ireland, and in consequence of which the advocacy of the cause had devolved to him.—He justly observed, that “ he had long been connected  
“ with the catholic cause :” that “ it had grown with  
“ his growth, and strengthened with his strength :  
“ so that he had supported it from his earliest public  
“ life, and was then called upon to support it in  
“ his old age.” He proceeded to remark, that the principle of the bill was already explained and admitted : it only remained for the house to judge of the details.

The house being resolved into a committee,—Mr. Robert Smith, the chairman, moved the first clause.

It was opposed by sir William Scott ; he gave an historical view of the oath of supremacy. He observed, that the oath established at the accession of queen Elizabeth, consisted of two propositions,—the first, was affirmative,—that the queen's majesty possessed supremacy in these realms, in all civil and ecclesiastical establishments : the second was negative,—that no foreign prince, prelate, state or potentate, had or ought to have any jurisdiction, power, pre-eminence or authority within these realms. At the revolution, another oath of supremacy was prescribed ; the affirmative clause was rejected, and the negative retained. From the language of the clause, he contended, that the constitution, as it now stands, admits no existence of any jurisdiction of the pope within these realms. He contended that the religious duties and civil allegiance of subjects were so blinded, that they scarcely could admit the jurisdiction of the pope in the former, without admitting its operation in the latter.—He then proceeded to consider the admonition of queen Elizabeth, which had been pressed into the service of the bill. He contended that the queen expressly claimed by this admonition, all the authority, which had been enjoyed by her predecessors—particularly naming Henry the eighth:—now, can it, he asked, be gravely asserted, that Henry the eighth, acknowledged in the pope, that authority, which was allowed to reside in him by the present bill?—By a further clause in the admonition, the queen disclaimed the right of exercising spiritual functions, and to this the disclaimer was confined.



Thus, the admonition in his opinion, bore a signification totally different from that which had been ascribed to it by the advocates of the catholic claims.—The catholics themselves had always refused the oath : this showed the sense in which they understood it, and that it was the sense, in which it was understood by the legislature and the nation : it followed, in his opinion, that the interpretation put upon it by the mover of the bill, could not be supported.

It is needless to say, that sir William's speech was argumentative and luminous : there was not perhaps in the hostile array, one, whom the catholics wished more to see among the friends of their cause. Sir William has, during a long course of years, filled one of the highest judicial situations in this kingdom, in a manner, which has left neither the bar nor the suitors anything to desire ;—the wisdom and rectitude of his decisions are known over Europe, and have contributed to the eminence which the country holds in the scale of nations.

Sir William Scott was followed by Mr. Horace Twiss,—who advocated the bill with great ability. Mr. Wetherell opposed it, and in his opposition displayed talent and research.

Sir James Mackintosh made a triumphant reply. Mr. Peel, in opposition to the bills, suggested that the bill, instead of operating as a bill of relief to the roman-catholics, might operate as a bill of exclusion to the conscientious protestant. He observed that, since the reformation, the protestants had been required to take an oath, by which they abjured all ecclesiastical or temporal authority, to be exercised

in this realm by any foreign power whatever. If the bill before the house should pass into a law, there would be a direct admission of some,—(small perhaps, but still some,)—authority both spiritual and ecclesiastical in the pope : it would legalize an unfettered, unlimited and unrestrained intercourse, between the subjects of this country and the see of Rome.—Did not this render it difficult for a protestant to take conscientiously, the national oath of supremacy ?

His speech was received by the house with the greatest attention : but a few observations from lord Castlereagh clearly showed, that the intercourse which was allowed by the bill, conferred on the pope neither jurisdiction nor authority, according to the sense in which the laws of England interpret those words. He concluded, by an animated address to the good sense and feelings of the house : “ Nothing,” said the noble lord, “ is wanted to the “ stability of the state, but to bring the catholics “ into connection with it, by a fair and equal intercourse with it, instead of keeping the country “ in a state of danger and alarm, about bugbears “ which ought not to terrify any one.”

The house then divided, 230 for the clause, 216 against it: so that it was carried by a majority of 14.

*26th March.*

Sir John Newport gave notice that, if the bill passed the committee, he should move that the two bills should be consolidated.

The committee was then resumed: the phraseology of some clauses of the bill was discussed. Mr. Banks then moved for the insertion of a clause, providing, that nothing should extend to dispense with or repeal any of the laws in force, which excluded catholics from sitting in parliament; and supported this motion by a long and temperate speech. General Calcraft replied to him with great ability: he successfully demonstrated how irreconcilable an opposition to the bill was, with a profession of adherence to the politics of Mr. Pitt.

He was followed by the Speaker: his conclusion was unfavourable to the catholics, but he said much, which it was gratifying to them to hear. He admitted, that their conduct for a long time past, and the benefits, which they had conferred on their country, entitled them to every thing that could be granted consistently with the safety of the state.—He did not doubt their sincerity,—but he did not think that their admission to seats in parliament was a privilege, which, in conformity with their tenets, they could exercise beneficially to the country and the constitution.

Mr. Canning then addressed the house in a speech which equally showed the statesman and the scholar,—great soundness of judgment and brightness of wit.

He was followed by Mr. Grattan:—the respect, which he received from the house, was a tribute highly honourable to the memory of his father:—the speech of the son showed that he had not degenerated.



On the division, 223 voices were against the amendment, 211 for it;—so that the original clause was carried by a majority of 12.

*27th March.*

On the 27th of March the house again resolved itself, on the motion of sir John Newport, into a committee on the bill. Mr. Carew produced some further documents respecting the reverend Mr. Hayes, whose petition against the bill has been noticed.

Mr. Peel moved to extend the exceptions which the bill already contained, to the office of privy councillors, and to judicial offices.

Lord Castlereagh opposed the motion, with great eloquence.

On the division there appeared,

Against Mr. Peel's amendment - - - 188

For it - - - 169

19

So that there was a majority of 19 against it.

Mr. Goulburn then proposed an amendment to prevent roman-catholics from being governors or administering the government of any of his majesty's colonies or foreign possessions. It is not a little remarkable, that, if Mr. Goulburn's motion had succeeded, the effect of it would have been to subject the roman-catholics, to a law highly penal, to which they are not at this time subject; as no law now in force disables them from holding the office of governor, or any other office in the colonies.

The committee divided,		
Against Mr. Goulburn's amendment	-	163
For it	-	120
		<hr/>
		43
		<hr/>

*29th March.*

On the 29th of March, sir John Newport moved the order of the day for receiving the report : it was brought up, and the Speaker put the question that the report be now read. Sir John Newport moved several new clauses to the bill : one, to prevent catholics from sitting at vestries, or to vote in the disposal of the property of the church : another, to empower the commission to dispense with the attendance of any ecclesiastical commissioner when regularly summoned ; and, in case of his declining to attend, to empower the commission to summon any other ecclesiastical functionary to attend and proceed in his stead.

Mr. Croker then moved that, “ a committee “ should be appointed, under the superintendence “ of the lord lieutenant, to examine the ecclesias- “ tical arrangements in every district, in order to “ facilitate carrying into execution the measure of “ providing for the catholic clergy.”

Lord Castlereagh agreed with Mr. Croker, that the great measure before the house would be incomplete until the provision then submitted to the house should be carried into effect. But he considered that the object would be obtained more speedily and more safely, by leaving it at rest for

the present.—Mr. Croker withdrew his motion: the bill and the amendments were then ordered to be engrossed, printed, and read the third time.

*2d April.*

On Monday the 2d of April, sir John Newport moved that the bill should be read the third time. Sir William Scott and Mr. Peel opposed it;—and Mr. Canning supported it. Sir William Scott concluded his speech by moving an amendment, that the bill be read that day six months. The house divided :

Against the motion	-	-	-	-	216
For it	-	-	-	-	197
					<u>19</u>

So that there was a majority of 19 in favour of the third reading of the bill.—And the bill was passed.

*3d April.*

On Tuesday the 3d of April, sir John Newport, attended by a great number of the members of the house of commons, carried the roman-catholic bill to the house of lords.

The earl of Donoughmore moved that the bill should then be read a first time and printed ; that it should be read a second time on Tuesday, and that their lordships should be summoned for that day. The earl of Liverpool and the lord chancellor signified their intention to oppose it. The bill was then read for the first time.



Sir John Newport previously to his taking the bill from the table, to the bar of the house of lords, addressed the members, to express “ his grateful  
“ sense of the kindness and attention, which had  
“ been shown to the original mover of the bill and  
“ himself on all sides of the house, during the pro-  
“ gress of the measure, and of the manliness and  
“ candour, which had marked the whole of the  
“ discussions upon it.” He also expressed “ his  
“ decided conviction from the result of his expe-  
“ rience and of consideration of the subject, during  
“ forty years, that by the passing of the bill, the  
“ house had done more for the promotion of the  
“ internal peace, tranquillity and prosperity of Ire-  
“ land than by any public measure, which it had  
“ adopted during that time.”

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It was natural for the roman-catholics to hope, that the bill for their relief would be favourably received in the house of lords. The acknowledged meritoriousness of their general conduct, their exemplary service in his majesty’s fleets and armies, their repeated and unequivocal disclaimers of the noxious tenets imputed to them, by which, and by which only, the laws now sought to be repealed had been attempted to be justified, their explicit declarations of unqualified and undivided allegiance, their rejection of every power and authority incompatible with it, the recognition of their loyalty by many acts of the legislature, their confidence that the nation had not forgotten that, when all her pro-

testant colonies in America had revolted from her, catholic Canada alone preserved and still preserves her allegiance to her,—the conciliating and wise demeanour of the see of Rome and her functionaries,—the known moderation of lord Liverpool's councils, always considerate and benign,—the avowed patronage of their cause by lord Castlereagh, —Mr. Pitt's confessed plan of emancipation,—the avowed adherence of his majesty's ministers to his principles and politics,—the agreement of Mr. Pitt and Mr. Fox on this point, rendered more important by their disagreement on all others,—the kind words spoken to the catholics at the Union, interpreted by them all as a promise of emancipation \*, —the explicit declarations of more than one minister that the admission of the catholics into the constitution was necessary to the tranquillity and welfare of the empire,—the universal belief that if not granted at this time, it must be granted in a few years, under circumstances which may make it lose half its grace, the internal distress of the kingdom, to remove which the cheering and invigorating of the large catholic population, would considerably contribute,—the voices and becks which now invite, and which probably for a long time to come will invite all who think themselves aggrieved, to deeds of discontent,—the increasing wisdom of the times, —the unlimited toleration established in every state, whose conduct is ever cited as an example to be followed,—the total absence of popular clamor

\* Mr. Grattan said to the writer,—“ If government did not deceive them, it, at at least, permitted them to deceive themselves.”

against the measure,—the many protestant petitions presented in its behalf,—the general avowal that the system now sought to be finally got rid of originated in cruelty, in rapine\*, and in a breach of the articles of Limerick†, the character and abilities of the former and present advocates of the catholics,—and above all,—the favourable issue of the debates in the house of commons,—all these circumstances combining, could not but elevate the feelings of the catholics, and lead them to suppose that there was much to hope, and not much to fear.

Previously to the debate, earl Grey presented to the house of lords a petition signed by six roman-catholic peers, the duke of Norfolk, the earl of Shrewsbury, lord Stourton, lord Petre, lord Arundel, and lord Clifford, of the same tenor as that presented by them to the house of commons, but with such an alteration in the language as was rendered expedient, in consequence of the incorporation of both the bills into one: and with an alteration in the prayer of the petition:—that, “upon taking the oath expressed in the bill, the petitioners might obtain the relief provided for them by the bill‡.”

The debate on the question began by the earl of

\* See the extract from lord Clare’s speech, *Hist. Mem.* vol. ii. p. 432.

† See sir Henry Parnel’s *Hist. of the Penal Laws*, p. 26–7; and *Hist. Mem.* vol. ii. p. 333.

‡ While the oath of supremacy was under discussion in the house of commons, doctor Poynter transmitted to the gentlemen to whom the preparing of the bill had been delegated by the house, the excellent suggestions on the different natures of spiritual and temporal power, contained in the *Appendix*, Note IV.



Donoughmore's moving, that the house should resolve itself into a committee for taking into consideration the bill for the relief of the catholics, which they had just received from the commons. His lordship and lord Hutchinson his brother, had been among the earliest advocates of catholic emancipation, and had, during a long period, stood almost single. Their zeal for its service had never abated ;— and then burned as bright as ever.

Lord Donoughmore was opposed by the Lord Chancellor and lord Liverpool. It is quite needless to say that whatever talent and ingenuity, illustrated by dignity and character, could urge against the measure of emancipation, either on large or minute views of it, was urged by those exalted personages. Lord Grenville came to the aid of the catholic cause : it was generally understood, that his lordship had withdrawn himself altogether from politics ; it was therefore singularly gratifying to the catholics to behold, that on this occasion the eminent wisdom, experience and eloquence of his lordship were exerted in their favour. The speech of the marquis of Lansdown will never be forgotten : it exemplified the remark of Mr. Fox, noticed in a former page, that in every question, in which civil or religious liberty was interested, the services of the noble marquis might always be depended upon. The debate continued during two days.—Finally the house divided,

In favour of the motion 72	Against it - - - - 90
Proxies - - - - 48	Proxies - - - - 69
<hr/> 120 <hr/>	<hr/> 159 <hr/>

So that the bill was lost by a majority of 39 votes.

It is impossible to praise adequately the exertions of Mr. Plunkett and his respectable associates in conducting this important bill through the house of commons: the zeal, the talent, the patience and perseverance which they exhibited in the arduous labour, were most exemplary, and entitle them to the thanks of every catholic and every friend of religious liberty.—May they and may their children meet with friends as able, as active, as disinterested, as steady, and as honourable as the catholics met in them!

Under this severe disappointment, the catholics naturally cling to every subject of consolation which offers:—fortunately, several present themselves.

I. The strange objection from the coronation oath is no longer urged:—nor has a whisper from any respectable quarter intimated, that any prejudice against the bill is entertained by our enlightened sovereign:

II. It is the first time that a bill for the emancipation of the roman-catholics has passed the house of commons; that four cabinet ministers have voted for it; that either a British secretary of state or a chief secretary for Ireland has declared in parliament, that catholic emancipation is a measure essential to the tranquillity and prosperity of the empire,—and to the completion of the union:

III. It has also been admitted, that catholic emancipation made a part of the plans of Mr. Pitt,

for the final incorporation and settlement of the two kingdoms :

IV. By the universal confession of the opponents of this great national measure, all the reasons which have been assigned for continuing in force the penalties and disabilities under which the catholics still suffer, are now reduced to ONE. It is also confessed, that this one reason cannot be supported in argument, except by supposing the existence of an imperious state necessity, which still requires the depression and the degradation of the catholics in opposition to every general principle of wisdom, sound policy and humanity :—Here we beg leave shortly to detain our readers :

1. During the reign of queen Elizabeth *general disloyalty* was charged on the catholics ; the conduct of a very small number of individuals was criminal, but it is now acknowledged that the general conduct of the body was not only blameless but exemplary. At all events, *this charge* ceased with the life of the queen :—2. During the two following reigns, *the religion* of the catholics was the only charge against them\* ;—the church and state pronounced that their religion was superstitious, erroneous, and idolatrous ; that the toleration of it was therefore a crime, and, (to use the very words of Knox), that “ the idolater should die the death :”—but intolerance on this ground is *now* universally exploded,—this charge therefore vanishes :—3. In the reign of Charles the second, Oates’s plot was

\* “ Judgment of divers of the archbishops and bishops of Ireland on the toleration of religion.” *Ante*, vol. i. p. 286.



fabricated ; and for their supposed participation in it, those laws were passed which inflicted the penalties and disabilities of which the catholics now particularly complain : but Mr. Hume, (with all other writers of the present time), *now* informs us, that “ Oates’s plot is an incident, which, for the “ credit of the nation, it is desirable to bury in eternal “ oblivion.” This charge therefore is withdrawn.

—4. The Revolution subjected the catholics to a new charge,—a supposed *attachment to James the second and his descendants* ;—but James and all his descendants are gone to the grave of all the Capulets, and the attachment of the catholics to the house of Hanover is *now* undisputed ; no ground for this charge therefore exists :—5. Forced, even by their own confession, from all these holds, the enemies of catholic emancipation professed to justify it on the ground, that the catholics *divide their allegiance* between the king and the pope ; but allegiance to the pope is nonsense :—the catholics, with all the gravity of face in their power, have disclaimed it ; and no one *now* imagines it. Thus this charge has passed away with the rest :—6. At last,—all other reasons for the refusal of catholic emancipation failing, it has been discovered that catholic emancipation is incompatible with the *protestant ascendancy*, which, it is said, the revolution of 1688, consecrated as *a principle* of the constitution. This is THE ONE,—the only reason, now alleged for resisting the catholic claims.

But will it not be found extremely difficult to prove, or even so much as to define with accuracy,

the supposed constitutional principle of protestant ascendancy, without maintaining a principle confessedly unconstitutional,—that there are laws which, though the repeal of them would be salutary in the very highest degree, it is not within the power of parliament to repeal? This, lord Coke declares to be an impossibility\*.

But let the principle be conceded,—let it be admitted to be the duty of the legislature to preserve the protestant ascendancy, because in consequence of the revolution in 1688, this has become a principle of the constitution. Still,—if, according to all rational calculation, centuries must pass away after catholic emancipation shall take place, before there will be twenty catholics in the upper or forty in the lower house, what real, what substantial danger can be justly apprehended to the protestant ascendancy from the measure? Can this imaginary danger be put into comparison with the real dangers, the real losses, the real inconveniences of every kind, both actually felt and reasonably to be apprehended, from the increasing agitations and discontents which

\* 4 Inst. 42.—And see 25 Edw. III. s. 6, and the very curious and interesting proceedings, Rot. Parl. 21 Rich. II. 50. 52. The record closes with this observation:—

“ *N're S<sup>r</sup> le roi apres avisement et deliberation avec les prelates et clergie de son roialme a bien entendu qu'il ne purra obliger ses successeurs—rois d'Angleterre—par leur serment, ne par autre voie, contre la liberte de la corone.*”

“ Our lord the king, after advising and deliberating with the bishops and clergy of his kingdom, fully understands, that he cannot bind his successors, kings of England, by his oath or in any other manner, against the liberty of the crown.”

now exist and must increase among the large catholic population of these realms, and the morbid results of these agitations and discontents to the state?

Thus then, all the pretences for the continuance of catholic degradation are reduced to this ONE; and when it is fairly set and fairly weighed against its certain mischievous and ruinous consequences,—THIS ONE kicks the beam.

V. It also affords some comfort to the catholics to observe that, though the majority in the house of lords against the bill is appalling, it is much less than has appeared on several former divisions.

VI. Finally,—this majority, though numerically great, may be reduced to the expression of unity,—here the prospect begins to clear.

Bringing down the presumptive heir of the crown to oppose their petitions, wounded the feelings of the catholics: they are willing to believe that if it had been known how much it distressed them, it would not have been advised.

But,—however afflicted,—they are not dismayed: they conceive, that the resort of their adversaries to such an extraordinary measure, proves that they found themselves in a circumstance of extraordinary difficulty: the Θεος απο μηχανης is never introduced except in cases beyond human power, and never twice in the same drama.

Besides,—they never forget that, in January 1792, Mr. O'Hara tendered a catholic petition to the Irish house of commons, and that one person only,—Mr. Denis Brown,—the very gentleman



who seconded Mr. Plunkett's motion, voted for its reception:—that, on the 11th day of the following February, the petition was presented and rejected with marked indignity, by a majority of 208 votes to 23:—that, on the 10th of the following January, the lord lieutenant in the speech, by which he opened the sessions of parliament, recommended the consideration of the catholic question to both houses of parliament;—that, in the following February, Mr. Secretary Hobart himself brought in their petition;—that it was respectfully received and discussed;—and that a few weeks afterwards,—that is,—within one year after the contemptuous rejection of Mr. O'Hara's motion,—the memorable bill for the relief of the Irish catholics, passed with scarcely a dissenting voice, in either house.

Surely then, there is no rational ground for despair.

—————“*O socii comitesque!*  
“*Cras ingens iterabimus æquor.*”

HOR.

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## CHAP. XC.

HISTORICAL MEMOIRS OF THE IRISH CATHOLICS  
SINCE THE REVOLUTION IN 1688, TILL THE ACT  
PASSED FOR THEIR RELIEF IN 1793.

IN the second volume of these memoirs\*, we have given a summary view of the state of the catholics of Ireland till the articles of Limerick;—

\* Vol. ii. c. 46.

we shall now attempt to present our readers with a similar account of the principal events in their history from that time till the act, which was passed for their relief in the year 1793 ;—which act \*, with some events in their subsequent history, is mentioned in former parts of this work.

## XC. 1.

WILLIAM III.

### *Articles of Limerick.*

By the first article of this treaty,—all the roman-catholics of the kingdom of Ireland were to enjoy such privileges in the exercise of their religion, as they enjoyed in the reign of Charles the second ; and their majesties were to use their endeavours to procure, (as soon as their affairs would permit them to summon a parliament), such further security in that particular, as might preserve them from any disturbances upon the account of their religion.

By the second article,—all the inhabitants or residents in Limerick or any other garrison, then in the possession of the Irish, and all officers and soldiers then in arms under any commission of king James in the counties of Limerick, Clare, Kerry, Cork and Mayo, and all commissioned officers, submitting to his majesty's obedience, and their heirs, were to hold and enjoy their estates and all rights, titles, privileges and immunities, to which they were entitled in the reign of Charles the second,

\* Vol. ii. p. 142.

and to profess, exercise and follow all professions, trades and callings then open to them, on taking the oath of allegiance prescribed by the act of the first year of the reign of their majesties :—  
 “ I, *A. B.* do solemnly swear, that I will be faithful and bear true allegiance to their majesties king William and queen Mary.”

By the ninth article,—the oath to be submitted to such roman-catholics as should submit to their majesties government, should be this oath of allegiance, and no other.

### I. 2.

*Principal Acts passed in the reign of William III,  
 against the roman-catholics.*

IN opposition to this solemn engagement, the parliament of king William passed several acts, which are thus stated in a report of a committee of the Irish house of commons :—

1st. “ An act against the authority of the see of Rome. It enacts, that no person shall attribute any jurisdiction to the see of Rome ; that the person offending shall be subject to a premunire ; and that all, who have any office from the king,—every person entering into orders, or taking a degree in the university, shall take the oath of supremacy.

2d. “ An act restoring to the crown the ancient jurisdiction over the state ecclesiastical and spiritual : it likewise enacts, that every ecclesiastical person, every person accepting office, shall take the oath of supremacy.



3d. “ An act for the uniformity of common prayer. It enacts, that every person having no lawful excuse to be absent, shall every Sunday resort to some place of worship of the established church, or forfeit twelve pence.

4th. “ An act by which the chancellor may appoint a guardian to the child of a catholic.

5th. “ An act by which no catholic schoolmaster can teach in a private house, without a licence from the ordinary of his diocese, and taking the oath of supremacy.

6th. “ The new rules by which no person can be admitted into any corporation without taking any oath of supremacy \*.”

They also passed an act to disarm the roman-catholics ; another to banish the priests ; another to prevent protestants from marrying with catholics ; another to prevent catholics from being solicitors, and from being employed as game-keepers. The act for disarming the roman-catholics contains a clause, that any horse in the hands or power of any catholic, may be seized by a warrant from the magistrate, and delivered to the protestant discoverer upon payment of five pounds to its owner.

The act for the banishment of the priests was enforced rigorously. “ It appears,” says Mr. Matthew O’Conor †, “ from captain South’s account, that, in 1698, the number of secular

\* See the report of the committee of the house of commons, appointed in 1697, to consider the several laws in force against the catholics.

† Hist. p. 145.—We must repeat our hopes that Mr. O’Conor will complete this interesting work.

“priests amounted to 495, the number of seculars to 892, and that the number of regulars shipped off in that year to foreign parts was 424.—Some few, disabled by age and infirmities from emigration, sought shelter in caves, or implored and received the concealment and protection of protestants, whose humane feelings were superior to their prejudices.” “There was not,” says doctor Bourke \*, in his history of the Irish dominicans, “a single house of that order in Ireland, which was not suppressed.”

Each of these enactments was a direct and gross violation of the articles of Limerick. An act was then passed to confirm these articles; but with such omissions and variations, as nearly evaded the articles altogether. We have cited sir Henry Parnell’s opinion on the subject †: no one who compares the articles with the act, will think his opinion too severe: a more gross violation of public faith does not occur in history. It has never been defended, except on the ground of state necessity. But can state necessity, under any circumstances, justify a system of policy, by which three fourths of a large population of a large nation is to be eradicated ‡.

\* Hib. Dom. p. 155.

† Vol. ii. p. 433.

‡ “It is true,” exclaimed Mr. Pitt upon Mr. Fox’s India bill, “that the measure is said to be founded on necessity. But what is this? Is it not necessity that has been the plea of every illegal exercise of power? and every exercise of oppression? has not necessity been the plea of every usurpation? of every infringement of human rights?” Bishop Tomline’s Life of Pitt, vol. i. p. 142.

## I. 3.

*Molyneux's Work, intituled, "The Case of Ireland's being bound by Acts of Parliament in England."*

It is difficult to conceive a condition of greater degradation and misery, than that, to which the catholic inhabitants of Ireland were, at this time, reduced ; but, according to Hume's \* just observation, there is an ultimate point of depression, as well of exaltation, from which human affairs naturally return in a contrary progress, and beyond which they seldom pass either in their advancement or decline. An event now took place, from which the gradual but slow amelioration of the general state of Ireland may be dated : and in this, though indirectly and scantily, still, in a certain measure, the catholics participated.

For some time, the manufacture of wool in Ireland had been on the increase : it was supposed to employ 12,000 families in the metropolis, and 30,000 dispersed over the rest of the kingdom ; and the exportation of it to foreign markets was considerable. The English began to feel a jealousy at the prosperity of this branch of Irish commerce, and several acts† were passed to restrain it and to confine the exportation to England. But the trade was almost wholly in the hands of the protestants ; and as soon as the English government began to check it, they began to feel the

\* Hist. of England, vol. ii. p. 441.

† 1 W. & M. ch. 32 ; 4 W. & M. ch. 24 ; 7 & 8 W. & M. ch. 28 ; 9 W. & M. ch. 40.



oppressive system of English policy. This led some inquisitive spirits to question the right of England to legislate for Ireland; among these, Mr. William Molyneux, member for the university of Dublin, a man deeply versed in the constitution of his country, honoured by the friendship of Locke, and esteemed by the good and wise men of his time as a patriot and a philanthropist, particularly distinguished himself by his celebrated pamphlet, intitled, “The case of Ireland’s being bound by Acts “of Parliament in England.” He observes, that the claim of the English parliament must be founded on purchase, conquest, or precedents. As to the first, he showed there is no pretence for it; as to the second, he contended that Ireland was not so conquered by Henry the second, as to give the parliament of England any jurisdiction over Ireland: and as to the precedents, by which this jurisdiction was attempted to be established, he professed to show, that no such precedent of an earlier date than thirty-seven years could be produced; and that the later precedents had never been acquiesced in, but always complained of.

His work was generally read, and gave such offence to the English government, that it was complained of in the house of commons, and referred to a committee: they reported it to contain many dangerous positions; and to counteract its impressions, the parliament of Ireland passed the act “for “the further security of his majesty’s person and “government,” by which they re-enacted the English statute of the third of William and Mary.—

From this time, till the legislative recognition of the independence of Ireland in 1782, the question never was at rest. There was always a party, who professed to maintain the rights of Ireland against the tyranny of England, and to promote in opposition to her narrow politics, such measures as would increase the importance and happiness of Ireland. For a considerable time they joined the government in their systematic oppression of the catholics ; still, by disseminating some general principles and truths, favourable to civil and religious liberty, they prepared, though at a great distance, the public mind, to receive the strong appeals to their understandings and feelings, which in a subsequent but a distant time, were made to them by the catholics.

## I. 4.

*The conduct of William III. in respect to the Irish roman-catholics.*

“THE peculiar state of Ireland,” says Mr. Macpherson \*, “ seems to have been overlooked in “ the contest. The ground upon which the deprivation of James had been founded in England “ had not existed in Ireland. The lord lieutenant “ had retained his allegiance. The government “ was uniformly continued under the name of the “ prince ; from him the servants of the crown had “ derived their commissions. James himself had “ for more than seventeen months exercised the “ royal functions in Ireland. He was certainly “ *de facto*, if not *de jure*, king. The rebellion

\* History of Great Britain.

“ of the Irish must therefore be founded on the  
“ supposition, that their allegiance is transferrable  
“ by the parliament of England. A speculative  
“ opinion can scarcely justify the punishment of a  
“ great majority of a people. The Irish ought to  
“ have been considered as enemies rather than as  
“ rebels.”

It appears that the views of William himself in respect to the Irish catholics were those of wise and humane policy ; that he sought to conciliate the body of the nation by promoting its general prosperity, and the catholics in particular by a liberal toleration of their particular creed, and a complete protection of their persons and properties. But these enlarged and just notions did not accord with the designs of those, to whom he was obliged to confide the government of this country, and on whom the precariousness of his own title rendered him dependant : these forced him into measures to which he was averse from his nature, and which were incongruous with his notions of policy. If we are to believe a respectable and intelligent writer \*, the catholics made due allowances to William for the circumstances in which he was involved ; “ his kindness and partiality deserved their esteem, “ conciliated their affections, and fixed their allegiance : they took the oath prescribed by the “ articles of Limerick, and neither the secret practices of the exiles, nor the examples of plots and “ conspiracies in England and Scotland could induce them to swerve from their allegiance. The

\* O’Conor’s History, p. 157, 158.



“ knowledge of the monarch’s necessities, which  
“ controled the exercise of the king’s just and  
“ generous disposition, excused in the minds of the  
“ catholics of his days, the harsh measures of his  
“ government.”

## XC. 2.

### QUEEN ANNE.

WE now come to what Mr. Burke justly terms  
“ the *ferocious acts of the reign of queen Ann.*”

By an English act of parliament, catholics were prevented from purchasing any of the forfeited lands ; and leases of them, containing more than two acres, were annulled \*.

The cruelty of this law is without precedent : the forfeited lands were supposed to amount to a million of acres ; those, who had forfeited them, were disabled from repurchasing them ; and not only they, but all other catholics were disabled from taking leases of them, even at rack-rent, or any lease that should comprise more than two acres, a quantity insufficient for the subsistence of a family. Thus, throughout the whole of these ample territories, catholics were debarred from all durable or profitable tenure, and doomed to be tillers and labourers to the new protestant settlers : and the hope of the slightest amelioration, even at a distant period, of their miserable lot, was absolutely denied them. A bill was then prepared to disable catholics to purchase or take by inheritance or gift,

\* 1 Anne, c. 32.

any lands in the hands of protestants; and to render the lands, of which they were owners, descendible in gavelkind: but, if the eldest son conformed to the protestant religion, the father was reduced to a tenancy for life, without power to sell or mortgage, or even to provide, except under the control of the chancellor, for his younger children.

To ensure the passing of this bill, the whole house accompanied the speaker to the lord lieutenant, and urged him to assist it, in its progress through parliament, with all his influence and power.

We have noticed that even king William had experienced, in the leading persons in Ireland, something of a controlling power. Most of them were presbyterians, and hostile to the episcopal church. The government of England was jealous of them and wished to lessen their consequence. With this view, the council added to the bill a clause, which excluded from civil and military offices, all persons who should not receive the sacrament of the Lord's supper, according to the usages of the church of Ireland.

To prevent this dreadful bill from passing into a law, the catholics petitioned both houses of parliament, to be heard by counsel, they obtained this permission; sir Toby Butler and sir Stephen Rice, their counsel, and Mr. Malone, a private catholic gentleman, were heard against the bill at the bar of the house of lords. They showed, with great eloquence and force of reasoning, the general cruelty, injustice and impolicy of the proposed bill, and its direct violation of many of the articles in the treaty of

Limerick : but they pleaded in vain, and the bill passed unanimously \*.

Other acts against the catholics were passed in the same reign. The most remarkable of them †, was an explanation, and certainly a considerable aggravation of the act, which we have mentioned. It directed that the chancellor, if a child of a catholic parent conformed to the protestant religion, might compel the parent to declare, upon oath, the value of his real and personal estate; and might assign out of it to the child, such a present maintenance and fortune, as he should judge proper. It also directed that, if the wife of a catholic conformed, the chancellor might assign to her for a jointure the full extent of what the husband himself could settle upon her: it provided, that all members of parliament, barristers, attornies, and officers in the courts of law, should educate their children in the protestant religion; that a catholic teaching in public or private should be deemed and prosecuted as a papist recusant convict, or in other words should be subject to the penalties of premunire. A graduated scale of rewards, to discoverers of popish clergymen and schoolmasters, was established: and then, in direct opposition to the universal feeling of all mankind, which pronounces informers to be an odious race, the house of commons resolved, that, “ prosecuting and informing

\* 2 Anne, c. 6. An act to prevent the further growth of popery.

† 8 Anne, c. 3. An act for explaining and amending an act, intituled, “ An act to prevent the further growth of popery.”



“ against papists was an honourable service.” The catholics were heard against this bill as against the former, by their counsel sir Stephen Rice ; and it may be thought that his eloquence made some impression, as two archbishops and five bishops signed a protest against it.

“ The catholics,” says Mr. O’Conor \*, “ were generally compassionated. Neither the menaces of power, nor the contagion of example, nor the influence of religious hatred, nor the prejudices of party, could eradicate the seeds of humanity ; they connived at, encouraged and aided evasions of the penalties and provisions of these iniquitous statutes : many of them concealed proscribed priests in their houses, and became trustees in purchases of properties and settlements of estates for catholics, in order to favour their industry and protect them from the ruin of the gavel act. Committees had been repeatedly appointed by the house to inquire into and devise means to prevent the evasions of the popery code : the ingenuity of benevolence still thwarted the malignity of party, still provided resources for misfortune.” Several unfortunate noblemen and gentlemen, whom the penal code had reduced from affluence and comfort to misery, were harboured by protestants, who took on themselves successively the charge of this hospitality. By an act, passed in the fifth year of her majesty, parliament deprived these wretched sufferers of this last resource, by enacting, that “ all vagrants, pretending to be Irish

\* O’Conor’s History, 179.

“ gentlemen, who cohered about from house to house, should be sent on board the fleet, or transported to the plantations \*.”

Speaking generally,—all the rigorous laws which we have mentioned were actively executed, so far as their execution depended on government or its retainers : the commons came to a resolution, that all magistrates and other persons whatsoever, who neglected or omitted to put the penal laws into execution, were betrayers of the liberties of the constitution †.

The consequence is thus described by a writer, whom I have often cited and shall often cite ‡;—  
 “ The loss of rights and property extinguished every  
 “ sort of patriotism, and infused the spiritless in-  
 “ difference of submissive poverty into the great  
 “ mass of the people, who barely existed in their  
 “ native soil, strangers to its natural blessings, the  
 “ patient victims of its wrongs, the insensible spec-  
 “ tators of its ruin. Here they vegetated on the  
 “ potato root, decayed in the prime of life, desti-  
 “ tute of solid nourishment, and sinking to untimely  
 “ graves, their vigour prematurely exhausted by hard  
 “ labour, and the spark of life at length exhausted  
 “ by famine.”—Much of what is now visible in Ireland, too clearly shows that this representation is not exaggerated.

\* O'Conor's Hist. 177.

† Com. Journals, vol. iii. p. 289.

‡ O'Conor's Hist. 183. It ought to have been mentioned, that the act for confirming the articles of Limerick was such an evident breach of public faith, that seven spiritual and five temporal peers signed a strong protest against it.

## XC. 3.

## GEORGE I.

SIR Henry Parnell \* mentions the titles of six acts of parliament, which were passed in this reign against the roman-catholics, all vexatious and humiliating, some highly oppressive.

He concludes the account of them by the following observations †.

“ The loyalty of the catholics was in this reign  
 “ put to a complete trial, by the Scotch rebellion  
 “ of 1715. If, after having fought three campaigns  
 “ in support of James’s pretensions to the throne  
 “ of Ireland, after having experienced the infrac-  
 “ tion of every part of the treaty of Limerick, and  
 “ been exposed to a code of statutes by which they  
 “ were totally excluded from the privileges of the  
 “ constitution ; and if, after they had become sub-  
 “ ject to the worst of all oppressions, the persecution  
 “ of private society and private manners, they  
 “ had embarked in the cause of the invader, their  
 “ conduct would have been that of a high spirited  
 “ nation, goaded into a state of desperation by their  
 “ relentless tormentors ; and, if their resistance had  
 “ been successful, their leaders would have ranked  
 “ among the Tells and Washingtons of modern his-  
 “ tory.—But, so far from yielding to the natural  
 “ dictates of revenge, or attempting to take advan-

\* Hist. p. 43; 2 Geo. I, c. 9, 10. 19; 4 Geo. I, c. 15, 16;  
 6 Geo. I, c. 10.

† History of the Penal Laws, p. 44.



“ tage of what was passing in Scotland, to regain  
 “ their rights, they did not follow the example of  
 “ their rulers, in violating, upon the first favourable  
 “ opportunity, a sacred and solemn compact; and  
 “ thus they gave the strongest testimony, that  
 “ they had wholly given up their former hopes of  
 “ establishing a catholic prince upon the throne.  
 “ Their loyalty was not, however, a protection to  
 “ them against the oppressions of their protestant  
 “ countrymen. The penalties for the exercise of  
 “ their religion were generally and rigidly inflicted,  
 “ their chapels were shut up, their priests dragged  
 “ from their hiding-places, hurried into prisons,  
 “ and from thence sent into banishment\*.”

It is a subject of just reproach to the memory of the celebrated dean of St. Patricks, that his works do not contain a single passage in which he has either

\* “ In 1732, a proclamation was issued against the roman-  
 “ catholic clergy, and the degree of violence, with which it  
 “ was enforced, made many of the old natives look seriously,  
 “ as a last resource, to emigration. Bishop O’Rorke retired  
 “ from Belanagare, and the gentlemen of that neighbourhood  
 “ had no clergyman for a considerable time to give them  
 “ mass, but a poor old man, one Pendergast, who, before day-  
 “ dawn on Sunday, crept into a cave in the parish of Baslick,  
 “ and waited there for his congregation, in cold and wet wea-  
 “ ther, hunger and thirst, to preach to them patience under  
 “ their afflictions, and perseverance in their principles; to offer  
 “ up prayers for their persecutors, and to arm them with re-  
 “ signation to the will of heaven in their misfortunes. The  
 “ cave is called, Poll-an-Aifrin, or mass-cave to this day; and  
 “ is a melancholy monument of the piety of our ancestors.”  
 Mem. of the Life and Writings of the late Charles O’Conor,  
 vol. i. p. 179.

advocated the cause of the catholics, or so much as expressed any compassion for their sufferings: in the following passage he even describes their fallen and hopeless state with visible exultation. “ We “ look upon the catholics to be altogether as incon- “ siderable as the women and the children. Their “ lands are almost entirely taken from them, and “ they are rendered incapable of purchasing any “ more ; and, for the little that remains, provision “ is made by the late act against popery, that it will “ daily crumble away : to prevent which, some of “ the most considerable among them, are already “ turned protestants, and so in all probability will “ many more. Then, the popish priests are all “ registered, and without permission, (which I hope “ will not be granted), they can have no successors ; “ so that the protestant clergy will find it, perhaps, “ no difficult matter to bring great numbers over to “ the church ; and in the mean time the common “ people, without leaders, without discipline, or “ natural courage, being little better than hewers of “ wood, and drawers of water, are out of all capacity “ of doing any mischief, if they were ever so well “ inclined \*.”

Still Swift, though unintentionally, was a great benefactor to the cause of the Irish catholics. Speaking of his Draper’s Letters, a performance which, in its kind, is yet without a rival or a second, doctor Johnson observes, that “ it was from the time “ of this publication, that the Irish may date their “ riches and prosperity. He taught them first to

\* Letter concerning the Sacramental Test.

“ know their own interest, their weight and their strength, and gave them spirit to assert that equality with their fellow-subjects, to which they have ever since been making vigorous advances, and to claim those rights which they have at last established.” This circumstance created among the protestant Irish, a party who advocated the real interests of their country against the oppressions of its governors. For some time, however, they co-operated with the party in power in their persecution of the catholics; but, by degrees, they became sensible that this was incompatible with the real interests of the nation; and began to feel some disposition to relieve their catholic brethren. Add to this, that the catholics, though depressed and degraded, had a numerical strength, which each party felt it their interest to conciliate.

#### XC. 4.

##### GEORGE II.

THE same system of penal legislation was pursued throughout the reign at which we are now arrived. It was opened by an act\*, which disabled papists from voting at elections, without taking the oath of supremacy: this act completed their entire exclusion from the constitution.

The charter schools were erected during this reign; the funds of this society consist of lands,

\* 1 Geo. II, c. 9, & c. 30; 7 Geo. II, c. 5, & c. 6; 9 Geo. II, c. 3, & c. 6; 13 Geo. II, c. 6; 19 Geo. II, c. 5; 23 Geo. II, c. 10.



funded property, and an annual grant of parliament, yielding an annual income of about 34,000*l.* The children admitted into the schools, are those of the indigent poor, and five sixths of these being catholics, the schools are almost entirely filled with the children of catholic parents: but this circumstance is entirely disregarded; the religion of the established church being exclusively taught in them. The charter for the incorporation of the society, mentions expressly that the schools were formed “for the conversion of these children.”—The act of the nineteenth year of this reign annulled all marriages between protestants and catholics.

The conduct of the catholics during the Scottish rebellion, in 1745, is admitted to have been most loyal and exemplary. Doctor Stone, the primate, published a letter in which, after mentioning the ample means of information, which he possessed, he declared, that, “he could not discover the least trace, hint or intimation of any disloyal intercourse or correspondence among the catholics, or their having favoured or abetted, or having been so much as acquainted with the designs or proceedings of the rebels \*.”

Lord Chesterfield † mentions, that “the catholic clergy co-operated with their protestant brethren to maintain order and tranquillity. Their pastoral letters, public discourses from the pulpit, and private admonitions, were equally directed for the service of government.”

\* Curry's Review, vol. ii. p. 261.

† Chesterfield's works, vol. i. p. 150. Irish edition.

It is painful to state, that in return for these meritorious services, the protestant clergy excited public animosity against the catholics by their sermons\* ; and that the earl of Chesterfield†, the lord lieutenant, recommended in his speech to parliament their taking into consideration, whether “some-thing further might not yet be done for repressing popery, either by new laws, or by the more effectual execution of those in being.”

“The Irish administration under George the second is stained,” says Mr. O’Conor‡, “by desolating famines, by the encouragement of informers, the transportation of priests§, the decay of every branch of industry, and a great decrease of population, new penal statutes were enacted, and the last spark of catholic freedom was extinguished.”

The famine mentioned by Mr. O’Conor is described by him in terms, which it would shock the humanity of our readers to peruse, and which, on this account, we omit. He declares||, that “the sufferings of the Irish under it surpass all that history has recorded or imagination can represent.”

\* Curry’s Review, vol. ii. p. 259.

† Maty’s Life of Lord Chesterfield.

‡ History, p. 200.

§ The average annual amount of premiums for transporting priests for sixteen years preceding 1745, was 127*l.* 17*s.* 4*d.* The premiums ceased after 1745. Newnham’s View of Ireland, p. 195.

|| Page 223.

“ This was the fifth or sixth famine, that in the  
“ course of twenty years, desolated a country gifted  
“ with the most luxuriant soil, indented with in-  
“ numerable bays and harbours, presenting unri-  
“ valled advantages for trade and manufactures,  
“ and capable of maintaining treble the number of  
“ its people under any tolerable system of govern-  
“ ment. All orders were struck with horror at  
“ this fatal calamity, but neither the Irish govern-  
“ ment, nor rich individuals, were able to relieve the  
“ public distress. Immense drains to absentees, and  
“ annual remittances to Poland for corn, restric-  
“ tions on the woollen trade, and an embargo on  
“ beef, the staple commodity of the kingdom, left  
“ the country destitute of specie, disabled the better  
“ orders from relieving the lower classes, whose  
“ miseries were aggravated by the immense stores  
“ of beef then in the country, but heaped up for  
“ the foreign markets, and denied to them by the  
“ inhuman avarice of mercantile speculation. The  
“ English people remained insensible to the miseries  
“ of their fellow christians, and fellow subjects, who  
“ adored the same omnipotence, and recognised the  
“ same sovereignty. Their philanthropy would  
“ not embrace men, whom they considered as rivals  
“ and idolators.

“ The visitation of famine and pestilence dis-  
“ armed the rancour of religious intolerance, and  
“ humanity shuddered at the wide prospect of de-  
“ solation. After the reduction of one fifth of the  
“ population, a productive harvest put an end  
“ to these distresses. The system of persecution



“ revived with the reviving strength and growing  
“ property of the country. The catholics were  
“ every where disarmed, domiciliary visits were  
“ made in quest of priests and friars, the chapels  
“ were shut up, and a cruel persecution commenced  
“ in every quarter of the kingdom. From the  
“ interior, many fled to the metropolis, as afford-  
“ ing by its extent and population great facility of  
“ concealment, others fled to caverns and mountains,  
“ to elude the pursuit of priest catchers. The  
“ Irish catholics were thus, by a wicked adminis-  
“ tration under the mild sway of the house of  
“ Hanover, deprived of the enjoyment of the private  
“ exercise of their religion, a privilege not denied  
“ to them by the worst of the Stuarts.

“ In the country parts, the catholics frequented  
“ on Sundays and festivals the retreats of their  
“ clergy, and in the metropolis the citizens attended  
“ the celebration of divine service in stable-yards,  
“ or warehouses, garrets, and such obscure places  
“ as sheltered them from the pursuit of the magis-  
“ trates. On one of these occasions, when the  
“ congregation was rising to receive the benediction,  
“ the floor gave way, and all were buried in the  
“ ruins, the priest and several others were killed,  
“ and most of the rest were so bruised and maimed  
“ as to remain for years living monuments of the  
“ cruelty of that administration. The dead, the  
“ dying, and the wounded were conveyed on cars  
“ through the streets amidst the deep anguish, and  
“ solemn silence of an horror-struck multitude.  
“ The sad spectacle excited the sympathy of the

“ protestants, and relaxed the obduracy of the  
“ government ; leave was given to open the chapels,  
“ and the private exercise of the catholic worship  
“ was again restored.”

The year 1757 may be considered as the era, from which the amelioration of the condition of the Irish catholics and their successful exertions to obtain a repeal of the penal code may be dated. The duke of Bedford was sworn in that year into the office of lord lieutenant. Ten days after his arrival, the catholic clergy in Dublin read a loyal exhortation to their respective congregations. It obtained no regard from persons in power ; but it was received by the public so favourably, that, on the recommendation of doctor O’Keefe, the titular bishop of Kildare, the chiefs of the catholic body signed a declaration of the principles of their church in respect to allegiance and civil duty, and transmitted it to Rome as the act and deed of the roman-catholics\*.

In 1759, when the French force under the command of Conflans was collected to invade Ireland, the catholics presented to the lord lieutenant an address, expressing their attachment to his majesty’s person and government. Some wealthy individuals offered to assist the state with large sums of money, and the catholics of Cork in a body, presented an address professing their indignation at the invasion, by an enemy flattering himself with an imaginary co-operation on their part ; they assured his grace

\* Both documents are inserted in sir Henry Parnell’s History, p. 52 and 55.

that they would, to the utmost exertion of their abilities, defend his majesty's person and government with their lives and fortunes against all such invaders and all his enemies\*.

No particular notice was taken of these loyal proceedings: but some expressions of general goodwill towards the catholics, were known to have fallen from the lord lieutenant, and both the language and demeanour of persons in power, in their regard, were courteous and conciliatory;—persecution was still severely felt, but it was sensibly alleviated.

## XC. 5.

### GEORGE III.

It is not a little remarkable that, though such signal acts of legislative beneficence were passed in the reign of his late majesty, in favour of all his catholic subjects, and so great a progress made towards their emancipation, several penal acts of great severity were successively passed against the Irish catholics during the first half of his reign †. The act of the twenty-first and twenty-second of his reign, deserves particular attention, from a circumstance attending it, which is of extreme importance, but which appears unaccountably to have escaped the observation both of protestants, and what is more astonishing, of catholics, until their attention was

\* Smollet's History of England.

† 15 & 16 Geo. III, c. 21, s. 15; 21 & 22 Geo. III, c. 32, s. 2; 21 & 22 Geo. III, c. 48, s. 3; 25 Geo. III, c. 48, s. 11, & 12.



called to it by sir Henry Parnell. We shall notice it in that gentleman's own words :

“ Though this clause of the 21 & 22 of Geo. III, c. 48, has attracted very little public attention, it was of no less import than that, of *being the first legal exclusion of catholics from sitting in the Irish parliament*. They had been excluded *de facto* by their voluntary submission to the English act of 3 William and Mary, but not *de jure* till this act of 21 & 22 Geo. III, which made the act of 3 William and Mary, just mentioned, binding in Ireland.

“ This circumstance, which has always been overlooked, even by the catholics themselves, proves how readily they have been inclined at all times to submit to the authority of government: and it also proves how unfounded those arguments are, which maintain that the exclusion of the catholics of Ireland from parliament, is a principle on which the family of his majesty was placed upon the throne. It completely overturns the system of erroneous reasoning concerning the coronation oath, which of late has been so common; and, so far as the meaning of this oath is at issue, it reduces the question to this simple point, *whether the king can conscientiously place the catholics of Ireland in the same condition, with respect to sitting in parliament, in which they had continued till the twenty-second year of his own reign?*”

In the year 1774, the FIRST ACT was passed which had any conciliatory or friendly tendency

towards the catholics. It was intituled, “ An act to  
“ enable his majesty’s subjects of whatever persua-  
“ sion to testify their allegiance to him \*.” It pre-  
scribed the form of an oath of allegiance, and made  
it lawful for the catholics to take it before his ma-  
jesty’s judges and justices of the peace ; but it did  
not enjoin them to take the oath under any penalties,  
or accompany the taking of it with any advantages.  
It contained the usual expression of pure and un-  
divided allegiance, and was therefore generally  
taken. Before this time, Mr. Charles O’Conor,  
the celebrated Irish scholar and antiquarian, doctor  
Curry, the author of the invaluable “ Review of the  
“ Civil Wars of Ireland,” and Mr. Wise of Water-  
ford, had succeeded in establishing a general com-  
mittee of the catholic body, formed of the principal  
catholic nobility and gentry, and of delegates from  
the principal parishes. To these three gentlemen,  
and principally to Mr. O’Conor, the emancipation  
of the catholics is primarily owing. The formation  
of the board gave consistency and stability to their  
councils and measures, and produced a general co-  
operation of the body.

The effect was soon discernible : a petition, framed  
by Mr. Edmund Burke, was presented to his ma-  
jesty, and in 1778 an act† passed, which enabled  
roman-catholics, who should take the oath of alle-  
giance prescribed by the former act, to hold leases  
for nine hundred and ninety-nine years, or determi-  
nable upon any lives, not exceeding five. The

\* 13 & 14 Geo. III, c. 35.

† 17 & 18 Geo. III, c. 49.

lands of catholics were made deviseable and transferable, and catholics were rendered capable of holding and enjoying those which might descend or be devised or transferred to them. In 1782, an act \* passed for the further relief of the catholics : it contained many provisions in their favour, particularly one, which discharged from all penalties, such catholic ecclesiastics, as should register their names and abodes in the manner it prescribed. Another act of the same year allowed persons professing the popish religion to teach schools †.

“ Of the numerous individuals,” says sir Henry Parnell ‡, “ who, at this time, distinguished themselves for their exertions in favour of the catholics, there was no one to whom they were under greater obligations than to the late Mr. Burke. He wrote for them the petition which was presented to the king in 1774. In the English house of commons, in 1778, he was the first to declare the necessity of concessions being made to them; he said that ‘ Ireland was now the chief dependence of the British crown, and that it particularly behoved that country to admit the Irish nation to the privileges of British citizens;’ and, in the year 1782, he wrote his celebrated letter to lord Kenmare, in which he so ably exposes the folly, injustice, and tyranny of the penal laws.”

From this period to the year 1790, the catholic

\* 21 & 22 Geo. III, c. 24.

† 21 & 22 Geo. III, c. 62.

‡ History of the Penal Laws, p. 84.



question was not agitated in parliament ; but in the mean time two events happened, which materially assisted the catholic cause :—the fear of an invasion from France,—and the establishment of the national independence of Ireland. The first produced the embodying of volunteer corps throughout all the kingdom, and these were composed indiscriminately of catholics and protestants.

Insensibly they became an armed association for compelling Great Britain to grant to Ireland the independence of her legislature. In this important attempt the protestants took the lead ; and it was evident that the victory would belong to the party, to which the catholics should attach themselves. It was with a view of securing them, that government passed the acts of 1778 and 1782. Their protestant brethren, on the other hand, endeavoured to conciliate them by public resolutions in favour of their complete emancipation. Among these the Dungannon convention, which met in February 1782, and was composed of the representatives of one hundred and forty-three protestant corps of volunteers, deserves particular mention. They resolved, with two dissenting voices only, “ that  
“ they held the right of private judgment, in mat-  
“ ters of religion, to be equally sacred in others as  
“ themselves ; therefore, that, as christians and  
“ protestants, they rejoiced in the relaxation of the  
“ penal laws against their roman-catholic fellow  
“ subjects, and that they conceived the measure to  
“ be fraught with the happiest consequences to the  
“ union and prosperity of Ireland.”

In 1791, the committee of catholics agreed upon a petition to parliament; but, incredible as it may appear, the catholics, though, as we have frequently mentioned, they constituted the great majority of the nation, had not even in this state of amelioration, sufficient influence to induce any one member of parliament to present it.

It is painful to relate that, during this time, the administration had been endeavouring to counteract the views of the catholics, by a negociation with some of their principal nobility and gentry; and that this was so far successful, that, at a meeting of the general committee, held in December 1791, for the purpose of considering of the policy of petitioning parliament, a division took place: but fortunately the party of the nobility were left in a minority of seventeen to ninety.

The committee delegated Mr. Devereux, Mr. Edward Byrne, Mr. John Keogh, and two other gentlemen to negociate with Mr. Pitt: they were directed chiefly to insist upon five objects,—the elective franchise, their admission to grand juries, to county magistracies, to high shrievalties, and to the bar. Mr. Keogh was the soul of the delegation: he possessed a complete knowledge of the subject, uncommon strength of understanding, firmness of mind, and a solemn imposing manner, under an appearance of great humility, which obtained him an ascendancy over almost every person with whom he conversed. On one occasion, he was introduced to the late Mr. Dundas, afterwards Lord Melville. He was surrounded by several

persons of distinction, and received the delegates with great good humour, but some state ; a long conference ensued, and the result was not favourable to the mission of Mr. Keogh. After a short silence, Mr. Keogh advanced towards Mr. Dundas, with great respect, and mentioned to him, that “ there was one thing, which it was essential for him to know, but of which he had not the slightest conception.” He observed to him that “ it was very extraordinary that a person of Mr. Dundas’s high situation, and one of his own humble lot, (he was a tradesman in Dublin), should be in the same room : but since it had so happened, and probably would not happen again, he wished to avail himself of the opportunity of making the important disclosure : but could not however think of doing it, without Mr. Dundas’s express permission, and his promise not to be offended.” Mr. Dundas gave him this permission and promise. Still Mr. Keogh was all humility and apology, and Mr. Dundas all condescension. After this had continued for some time, and the expectation of every person present was wound up to its highest pitch, Mr. Keogh approached Mr. Dundas, in a very humble attitude and said,—“ Since you give me this permission, and your deliberate promise not to be offended, I beg leave to repeat,—that there *is* one thing, which you ought to know, but which you don’t suspect,—you, Mr. Dundas, know nothing of Ireland.”

Mr. Dundas, as may be supposed, was greatly surprised ; but with perfect good humour, told Mr.



Keogh, that he believed this was not the case : “ it was true that he never had been in Ireland, but he had conversed with many Irishmen. I have drunk,” he said, “ many a good bottle of wine with lord Hillsborough, lord Clare and the Beresfords.”— “ Yes sir,” said Mr. Keogh, “ I believe you have ; and that you drank many a good bottle of wine with them before you went to war with America.”

An excellent account of the bill of 1793, and of the principal circumstances relating to it, and of the subsequent events in the history of the Irish catholics, is given by sir Henry Parnell in the history which we have so often cited. It represents the author’s own mind,—completely accurate, completely informed, and completely honourable. We particularly recommend to the reader the perusal of those parts of it which show that the conduct of the catholics, during the Irish insurrections, was not only blameless but praiseworthy ;—and those which state what are called, the promises made to the catholics, to procure their co-operation in the Union.

We shall close these memoirs by transcribing the concluding page of sir Henry’s admirable history. We shall insert in the Appendix \*, his account of the various disabilities, to which the roman-catholics of Ireland are still liable.

“ Having now traced the history of the penal laws and the catholics, from the treaty of Limerick down to the Union, it remains only to make a conclusion of this work, by collecting the several

\* See Appendix, Note IV.

“ inferences which may be drawn from the facts  
“ contained in it.

“ In the first place,—the catholics have to com-  
“ plain of three distinct breaches of faith by the  
“ government of England ;—1st. In the violation  
“ of the treaty of Limerick ;—2d. In the recall of  
“ lord Fitzwilliam ;—and 3d. In the treatment  
“ which they have received since the Union.

“ Secondly,—They have to complain of having  
“ endured a greater share of insult and of oppres-  
“ sion than it ever was the lot of any other people  
“ in any other country to be exposed to.

“ Thirdly,—They have it in their power to re-  
“ pel all those charges, which have been made  
“ against them for being disloyal to the house of  
“ Brunswick,—1st. By their conduct in 1715 ;—  
“ 2ndly, By their conduct in 1745 ;—3dly, By  
“ their conduct during the American war ;—and,  
“ lastly, by their conduct in 1798.

“ Fourthly,—They have it in their power to  
“ show, that their clergy have, at all times, incul-  
“ cated sound doctrines of morality, of peace and  
“ submission to the government, and of brotherly  
“ affection for their protestant fellow countrymen.

“ Fifthly,—They can prove that their religious  
“ principles have been wholly misunderstood ; and  
“ that these principles are not, in any degree,  
“ repugnant to their duty as loyal subjects.

“ Sixthly,—This very important inference may  
“ be drawn from what has already been stated,  
“ namely, ‘ that for a long period of time, there has  
“ prevailed amongst the protestants of Ireland, a very

“ general inclination to concede to the catholics a  
“ participation with them, in constitutional pri-  
“ vileges.”

“ And lastly,—when we consider the effects,  
“ direct and collateral, of such a penal code as has  
“ existed in Ireland, it is not too much to say, that  
“ it may be laid down as incontrovertibly proved,  
“ that to the penal code it is, that England has to  
“ look as the source of all alarm, she now entertains  
“ for the safety of Ireland ; and that to England,  
“ Ireland has to look for the cause of all the misery  
“ and degradation which, at this day even, pecu-  
“ liarly mark her character among the nations of  
“ the world.”





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APPENDIX.

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*The reader is requested to notice that, some additions were made to the Memoirs after the Appendix was begun to be printed,—and that in consequence of this circumstance, the paging of the Appendix begins with 421.*



## APPENDIX.

NOTE I.—(referred to in page 38.)

STATEMENT OF THE OBJECTIONS TO THE OATH  
PRESCRIBED TO THE ROMAN-CATHOLICS BY  
JAMES THE FIRST, AND OF THE ANSWERS TO  
THEM.

(From Clarendon's State Papers, vol. i. p. 190.)

## TEXTUS JURAMENTI.

*Formula Juramenti novi Fidelitatis, in octo clausulas divisa.*

## Sensus præsumptus.

Formula ista excogitata videtur in odium et suppressionem catholicorum, atque ignominiam ecclesiæ Romanæ, ejusque summæ pontificis: ideòque præstari nequit absque lapsu aperto in professione externâ fidei, et scandalo manifesto pusillorum.

## Sensus verè intentus.

Formula hæc non proponitur a rege in odium fidei, nec in ignominiam pontificis, quem sua majestas honorat et reveretur; nec in vexationem catholicorum, erga quos est benignissimus; nec in abnegationem ullius veritatis fidei divinæ, de quâ noluit in hoc juramento mentionem fieri; sed ad civilem naturalemque duntaxat obedientiam exigendam, qualem cæteri monarchæ catholici, puta reges Francorum, a suis exigunt subditis. Pusilli autem sunt à meliùs sapientibus docendi, ut scandali opinionem deponant.

## Textus Juramenti.

## I.

Ego, *A. B.* veraciter et sincere agnosco, profiteor, testificor et declaro in conscientiâ meâ coram Deo et mundo, supremum dominum nostrum regem Carolum esse legitimum et verum regem hujusce regni, aliorumque majestatis suæ dominiorum et regionum.

## Sensus præsumptus.

## I.

In vocabulo "supremum" videtur includi primatus ecclesiasticus : quem, saltem in causis merè spiritualibus fidei, morum, et rituum sacrorum, laicæ protestati attribuire, est contra fidem ; juxta illud Ambrosii ad Valentinianum imperatorem : " Si vel scripturarum seriem " divinarum, (inquit), vel vetera tempora retractemus ; " quis abnuat in causâ fidei, in " causâ, inquam, fidei, episcopos solere de imperatoribus " christianis, non imperatores " de episcopis judicare ? Eris, " Deo favente, etiam senectutis " maturitate provectior, et tunc " de hoc censebis qualis episcopus sit qui laicis jus sacerdotale substernit."

## Sensus verè intentus.

## I.

Planus et communis sensus hujus vocabuli non est alius, quàm quem olim habuit ante motam controversiam de primatu ecclesiastico ; quique apud Gallos et Hispanos agnoscitur, cum principes suos vocant, illi *souverains*, isti verò *soberanos*. Nec ullam hic primatus insinuationem fieri, ipsi reges a pertissimè declarârunt. Quin eo jam reseat disputatione deducta prudentium, ut multi theologi regii existiment primatum regium in ecclesiâ non aliud dicere, quam omnes personas laicas et ecclesiasticas, omnesque causas et res ipsorum quæ aliquid temporale aut bursale includunt, ad dominium et jurisdictionem principis civilis pertinere ; nisi quatenus ipse dignetur cognitionem ecclesiæ tribunali deferre : judicium vero de fide et moribus ac ritibus, rex noster sibi non arrogat, sed ad episcopos rejicit. Executionem vero & protectionem decretorum ec-

clesiæ jurisdictione principis subjici, nemo ignorat: ut possit sine scrupulo admitti, episcopum esse Caput, patrem, pastorem spirituales imperatoris, regis, principis, ut judicet de ejus animâ: imperatorem vero, regem, principem, esse episcopi Caput, patrem et pastorem in temporalibus, ut de illius corpore et temporalitate judicium possit ferre: et diverso respectu, uterque primatum in ecclesiâ tenere dicatur.

### Textus Juramenti.

#### II.

Quodque papa neque ex seipso, neque per ullam auctoritatem ecclesiæ seu cathedræ Romanæ, neque per ulla alia media cum alio quoquam, habeat protestatem vel auctoritatem deponendi regem, aut disponendi de ullis majestatis suæ regnis, seu dominiis; aut dandi auctoritatem ulli externo principi ut invadat aut lædat ipsum, vel regiones ipsius; aut absolvendi ullum subditorum ipsius a vinculo fidelitatis seu obedientiæ erga majestatem ipsius; aut licentiam seu permissionem concedendi ulli subditorum ipsius, ut arma sumat, tumultusve suscitet, ullamve offerat violentiam aut læsionem regali personæ majestatis suæ, vel statui, seu gubernationi, sive ullis majestatis suæ subditis, intra majestatis suæ dominia.

Sensus præsumptus.

#### II.

1. Videtur hic urgeri, ut jurans asserat sub sacramento falsam esse S. Thomæ et multorum theologorum sententiam, quæ admittit spirituales ponti-

Sensus verè intentus.

#### II.

1. Sensus planus est, jurantem invocare Deum testem quod agnoscat, profiteatur, testificetur et declaret, suo quidem judicio nullam talem protestatem



ficis potestatem indirecte etiam ad temporalem coactionem extendi: quod videtur temerarium, et erroneum in fide.

in pontifice sitam esse: quod non est contrariæ sententiæ falsitatem jurare, sed suum duntaxat de eâ iudicium sub juramento ad mandatum principis

proferre. Quod si hoc a multis temerarium iudicetur, a multis etiam ut verum defenditur; maxime a theologis, jurisconsultis, et episcopis Franciæ; vel quia principes Angliæ et Franciæ nunquam se tali jurisdictioni submittere voluerunt, vel quia talis potestas, etsi speculative concedatur, in praxi tamen nequit exerceri, nisi cum tumultu et sanguine. Cujusmodi cruentæ executiones non solum dedecent ecclesiasticam lenitatem, verum etiam decolorant sacerdotalem dignitatem.

2. Videtur excludere potestatem totius ecclesiæ in concilio generali indubitato repræsentativè congregatæ; quasi pontifex ne quidem in tali concilio posset principem deponere; quod videtur esse contra fidem; cum saltem de fide sit, pontificem tali concilio fultum non posse in decretis suis errare.

2. Etiam tale concilium posset in facto errare et innocentem damnare; ut de concilio quinto Honorium primum damnante reponet Bellarminus. Et prætereâ tale concilium nunquam aliquid statuit de temporalibus, nisi consentientibus principum et rerum publ. legatis: quisi commissionem habent principes suos protestati et dispositioni concilii

submittendi, non sequitur inde aliquid contra hoc juramentum, nec juramentum hoc illi dispositioni contradicit.

3. Videtur etiam juramento abnegari auctoritas omnis suavis, excitativa, hortatoria; quâ pontifex posset alios principes ad defensionem ecclesiæ, aut jura ipsius recuperanda suscitare: quod nemo vere jurare poterit.

3. Agitur in hoc juramento solum de auctoritate seu potestate jurisdictionis, sive superioritatis; et illa solum negatur: non autem de auctoritate doctoris, aut potestate confederatorum, vel morali suasionem: hæc enim non obligant in conscientiâ eos quibuscumque gunt, sicut ver a jurisdictio et superioritas obligat subditorum conscientias.

## Textus Juramenti.

## III.

Juro etiam ex corde quod, non obstante quâcunque declaratione sive sententiâ excommunicationis aut privationis factâ seu concessâ, aut faciendâ, seu concedendâ per papam aut successores ejus, aut per ullam auctoritatem derivatam vel derivandam ab ipso vel ab ejus cathedrâ, contra prefatum regem, hæredes ejus, aut successores; vel ullâ absolutione dictorum subditorum ab obedientiâ suâ, fidem servabo, veramque fidelitatem erga majestatem ipsius, hæredes successoresque; eosque defendam juxta ultimum posse meum, contra omnes conspirationes vel attentatus quoscunque qui contra ipsum fient, aut ipsius vel eorum personas, eorumve coronam aut dignitatem, ratione vel colore accepto ex ullâ tali sententiâ, seu declaratione, sive aliunde; quodque omni modo possibili mihi conabor detegere & manifestare majestati suæ, hæredibusque et successoribus illius, omnes proditores et proditorias conspirationes, quas cognovero aut audivero fieri contra ipsum, aut ullum ipsorum.

## Sensus præsumptus.

## III.

1. Videtur hâc clausulâ contemni et abnegari potestas spiritualis excommunicandi, quando quidem nullum ejus effectum agnoscit; quod videtur cum fide pugnare.

## Sensus verè intentus.

## III.

1. Supponit potiùs quam negat potestatem excommunicandi, quam rex Jacobus expresse vetuit excludi. Quia autem effectus temporales excommunicationis consequentes neget, non facit ex contemptu potestatis spiritualis, sed ex persuasionem in secundâ clausulâ prolatâ, quâ jurans profitetur se non agnoscere in spirituali potestate jurisdictionem ullam temporalem, nisi quam potestas civilis illi largitur.

2. Cum per leges Angliæ actus hierarchici sacrificandi, et a pccatis absolvendi, inter proditoria crimina reputentur, videtur juramento hoc astringi jurans, ut detegat omnes sacerdotes et catholicos; quod esset manifestus lapsus in fide, non minus quam eorum qui olim libros sacros tradebant persecutoribus, ideoque traditores vocabantur.

2. Tales actus non fiunt propriè contra regem aut personam illius, nec, secundum planam et communem receptamque intelligentiam, vocabulo prodicionem accipi solent, sed secundum novam et insolitam significationem, quæ proptereâ ab hoc juramento per clausulam septimam excluditur.

### Textus Juramenti.

#### IV.

Ulterius etiam juro me ex corde abominari, detestari, et abjurare, tanquam impiam et hæreticam, damnabilem istam doctrinam, quæ asserit quod principes, qui excommunicati sunt vel privati per papam, possint deponi, vel necari per subditos suos, aut alios quoslibet.

#### Sensus præsumptus.

##### IV.

Videtur eâdem censurâ condemnari sententiam doctissimorum Theologorum, qui docent principum depositionem legali processu absque tumultu et cædibus factam, quam hæresim eorum, qui docent principem excommunicatum aut privatum posse a quovis etiam proditorie et per insidias occidi; quod videtur injuriosum multis sanctis doctoribus.

#### Sensus verè intentus

##### IV.

Damnat illam sententiam tantum, quæ docet excommunicationem vel privationem tantam vim habere, ut quivis possit licite principem sic excommunicatum aut privatum etiam proditorie necare, si alio modo nequeat sententia depositionis executioni mandari. At hoc totum est jamdudum in concilio generali damnatum.



## Textus Juramenti.

## V.

Præterea credo et in conscientiâ persuasum habeo, quod neque pontifex, neque ulla alia persona qualiscunque, protestatem habeat absolvendi me ab hoc juramento, aut ab ullâ ejus parte.

## Sensus præsumptus.

## V.

Videtur insinuare, tanquam doctrinam fidei, nullam personam hoc juramento posse dispensare; cum tamen saltem tota ecclesia repræsentativè collecta possit.

## Sensus verè intentus.

## V.

Loquitur hæc clausulâ de fide et persuasione humanâ, non de divinâ; quodcumque vero tota ecclesia repræsentativa tale quippiam statuit, id facere debet et solet, auditis et consentientibus principum ipsorum, regnorumque quorum interest, legatis; unde nihil sequitur contra hanc clausulam.

## Textus Juramenti.

## VI.

Quod quidem juramentum agnosco bonâ et plenâ auctoritate legitime a me exigi; et renuncio omnibus indulgentiis sive dispensationibus in contrarium.

## Sensus præsumptus.

## VI.

Videtur auctoritatem spiritualem ejusque plenitudinem laico principatui dare; et superbiam quandam redolet, aut contemptum clavium talis renunciatio.

## Sensus verè intentus.

## VI.

Agitur hic aperte de protestate laicâ; ad quam etiam spectat juramentum in causis civilibus exigere. Neque vero est superbum, aut contemptum clavium redolet reverenter juri suo renunciare ne lædatur proximus, multo magis ne jure suo fraudetur princeps legitimus.

## Textus Juramenti.

## VII.

Hæc autem omnia planè et sincere agnosco et juro, secundum expressa verba a me prolata, et juxta planum et communem sensum atque intelligentiam ipsorum verborum, absque ullâ æquivocatione, aut mentali evasione, aut secretâ reservatione quâcunque.

Sensus præsumptus.

## VII.

Videtur esse impossibile ut homo catholicus hæc omnia agnoscat, absque aliquâ æquivocatione, amphibologiâ aut evasione mentali.

Sensus verè intentus.

## VII.

Excluditur hic illa solum æquivocatio et reservatio, quæ sit deliberatè frustratoria juramenti, ejusve fini contraria. Nam æquivocatio aut amphibologia quæ contingit bonâ fide

agentibus, et conditiones illæ in omni juramento subintellectæ, si recte capio salvo honore Dei et fidei catholicæ hâc clausulâ non censentur excludi.

## Textus Juramenti.

## VIII.

Hanc vero recognitionem et agnitionem facio ex corde, libenter, et veraciter, in fide verâ christiani; sic me Deus adjuvet.

Sensus præsumptus.

## VIII.

Quomodo potest libenter hæc facere, qui non nisi coactus ad hoc juramentum accedit?

Sensus verè intentus.

## VIII.

Omnis christianus timoratus ita debet esse affectus, ut non nisi necessitate veritatis, aut veritate charitatis, ad juramentum accedat; sed, quando aut veritas aut charitas pos-

tulat, libenter et ex corde debet accedere.

Hinc videtur deduci, multa contra fidem in hac juramenti formulâ contineri; ideoque ipsam non posse in conscientiâ a catholicis præstari.

Ex his videtur multo verius deduci, nihil contra fidem in hoc juramento contineri, sed omnia, quæ in eo exiguntur, esse in praxi honesta et licita.

Ex hac comparatione judicare possunt eminentissimi domini, quid de totâ hac re sentiendum sit, atque decernendum; sed ulterius, si placeat, corollarium hoc accipite.

Cum recusatio juramenti non solum mitissimum regem vehementer offendat, verum etiam omnes catholicos Angliæ in certissimum discrimen confiscationis omnium fortunarum suarum, et perpetuæ incarcerationis conjiciat: et tamen aliunde ea, quæ in hoc juramento jubentur, in catholico regno Galliæ tolerantur, immo veluti leges regni fundamentales teneantur, ut demonstrat ex perpetuâ praxi Michael Rousselius, scriptor pius et vere catholicus, in *Historiâ Jurisdictionis Ecclesiasticæ*; et ab ordine universo societatis Jesu per Gallias, duodecim præcipuis patribus id acceptantibus, coram senatu Parisiensi, ut in praxi justa admissa fuerint; et vero talia sint, judicio cardinalis Perronii, ut propterea schismatis causa esse non debeant; quod est dicere schismaticum non esse, atque adeo nec temerariam, qui ita sentiat, sicut in juramento exigitur: consideratione eminentissimorum dominorum dignissimum est, an non expediat hæc tolerare in Angliâ, æque atque in Galliâ; et tam suspendere decreta prohibitoria, propter sensum a rege serenissimo declaratum, quam etiam ab ulterioribus prohibitionibus hæc in re abstinere.

Father More (*Hist. l. viii. sect. 2.*) notices the oath of James, and the objections to it. These he generally adopts. On the clause, by which the deposing power is rejected, he says, that “no one yet had exempted the subjects of kings from the power of the pope, of the church, and of the Roman see, to coerce them, or to extend



“ their spiritual censures to temporal punishments and  
“ mulcts, and, though it might be conceded to the defend-  
“ ers of this clause, that, as James, though educated in  
“ heresy, had not yet exercised any severity against the  
“ catholics, he himself might be so exempt, yet, who could  
“ answer for his numerous successors, so far as to bind  
“ himself to their defence, by an inviolable oath, unless he  
“ denied the deposing power to the pope in every case?”

He mentions that father Holtby, who succeeded Garnett in the superiority over the English jesuits, immediately after the oath was promulgated, sent a copy of it to Rome, and forbade the members of his order to give an opinion on its lawfulness; that he often discussed it with other priests, sometimes separately and sometimes at the house of Blackwell the archpriest, but that they came to no agreement in opinion.—Blackwell, he says, thought, from the first, that it was lawful to take the oath; and, so far was he from being induced by the briefs from Rome to alter his opinion, that he took it himself; and advised his assistants and brethren to take it; and so firmly persisted in these sentiments, that, when he was pressed, on his death-bed, to retract and repent of them, the utmost, which could be drawn from him, was, that “ if he had erred in this  
“ respect, he repented.”—More says, “ that all the jesuits  
“ agreed in condemning the oath.”

Towards the conclusion of his work, (*l. x. s. 33*), he justly observes, that “ the fidelity which the catholics  
“ showed to Charles in his distresses,—not one of them  
“ having proved unfaithful to him,—showed that those,  
“ who objected to the oath, did not do it from want of true  
“ allegiance, but from conscientious objections to its  
“ language.”

## NOTE II.

*The Apologetical Epistle addressed by the Right Reverend Doctor William Poynter, Vicar-apostolic in the Southern District of the Catholics of England, to his Eminence Cardinal Litta, Præfect of the Sacred Congregation de Propagandâ Fide, against the Charges brought against him and the other Vicars-apostolic in England, by the Right Reverend Doctor John Milner, Bishop of Castabala, Vicar-apostolic of the Midland District of the Catholics of England; translated from the Latin Original, by the Author of the Historical Memoirs of the English, Irish and Scottish Catholics.*

Most Eminent and Reverend Sir!

WHEN unwillingly and with sorrow, I present to your eminence a narrative, in some degree apologetical, of certain catholic transactions in England, which I have judged it necessary to prepare, it is my wish, in the first place, that your eminence should be persuaded, that, in writing it, I have been influenced neither by anger nor resentment against any of my beloved and venerable brethren: although, for the sake of truth and justice, I have been obliged, in defending the authority and character of my brethren and myself, and in refuting the ill-conceived opinions formed of our councils and actions, and even the erroneous expositions of facts, to deny the truth of the charges brought against us. Certainly in executing the duty thus imposed on me, I am most sure, that not even a shade of an angry mind lurks in my breast, inasmuch as, from the inmost feeling of my soul, I have for the sake of Christ our Lord, long forgiven the injuries, which have personally affected me and my individual character.

But, while my beloved and venerable colleagues, the vicars-apostolic in England, as well as myself, are beyond all doubt, placed in a situation which makes us feel, that, to the detriment both of ourselves and of the religion, of which we are the protectors, not only a heavy injury has been brought, but an unexpected wound has been inflicted upon our authority and reputation, which both as bishops and as vicars of the supreme pontiff, we are bound, by indispensable necessity, to uphold and defend with all dignity,—we have judged it to be no longer allowable to persevere in that silence, which, solely for the love of peace, has been observed in England up to this time. We have also thought it our duty to expose and present to the sacred congregation *de Propagandâ Fide* all the charges against us, which have come to our knowledge, together with our answers, supported by proper proofs of their truth; to show that all these charges have been and are made without reason. In adopting this method, we most earnestly urge by our entreaties, that such a sentence may be pronounced by the holy see, as will make it manifest to our respective flocks, that we have performed, in their regard, all the duties of good shepherds, under the supreme shepherd, Christ our Lord, with the greatest care, and in every thing; and that we have deserved some mark of the approbation of Pius VII. the visible vicar of Christ, the most illustrious shepherd of the flock upon earth, the successor of St. Peter, not only on account of our filial devotion towards his sacred person, our profound reverence towards the holy see, which he fills with so much dignity and renown, and our most humble submission to the supreme authority, which he exercises; but also on account of the fidelity, with which we have discharged a most weighty office, which he has conferred upon us, his vicars; and on account of the zeal, with which we



have endeavoured to sustain the dignity and authority of the episcopal character. Finally, to the sacred congregation we appeal,—not as men injured by men, and therefore seeking satisfaction, with the feeling of a resenting mind, but as bishops, and as representatives of the chief pastor, and who, in that character, have been assailed and wounded, by injurious, factious, and false accusations. And, with every affectionate sentiment of charity, and for the cause of religion, we pray that the integrity of our character, which has been thus injuriously affected, may be restored.

I cannot doubt, even for a moment, that, among the vouchers and documents which I have delivered with my narrative, the most ample proofs will be found, by which the falsehood of all the charges brought against my colleagues and myself,—at least the falsehood of all those, which are known to us, will be demonstrated. This also I think should be observed, that, while I stay at Rome, I profess myself to be the advocate both of our catholic clergy and laity in England, whom I see injured in common, but particularly those who belong to the London district. It would be most hard indeed, and ill accord with the religion of the holy see, that any evil report of catholics, so attached to the holy see, such followers of christian piety, so full of devotion towards the holy father, should, without the most evident proofs, be listened to at Rome. For I know that many false charges have been made against us, to the sacred congregation, which I hope I have refuted in the most ample manner. Now therefore I most earnestly entreat, and shall never cease to solicit, that, if any accusations, besides those to which I have answered, have been carried to the sacred congregation against my beloved and venerable colleagues, myself, my clergy, or the faithful of any of our districts, particularly that of London, the same may be immediately communicated

to me, that I may, as I trust I shall, refute them to the entire satisfaction of the sacred congregation.

I will begin with the charges which have been brought against us all, on account of the fifth resolution of the English catholics. I will give the history of it, and explain, in an analytical way, all those things, which will render our defence a demonstration clearer to every one than noon-day light. Nothing shall be said, that shall not be supported by proof. Each proof will be produced when required; for if all the proofs were presented in the work itself, the task would be too laborious. I will draw up, at the end of the writing, an index, for the better understanding of it\*.—Come forward, then, most eminent man, and, according to your wisdom, justice, and religion, judge, whether any person should quarrel with any of our actions; and listen to, receive, and graciously hear the petitions and wishes of all the English hierarchy, for that decision, for which we are all looking out, from the sacred congregation.

\* The proofs and index, to which the right reverend prelate refers in this place, accompany the original, but were not in the possession of the gentleman from whom the editor received the copy from which he published it; great care was taken to make the translation as literal as possible; the notes are added by the editor. ED.

Many of the proofs are taken from the very frequent insertions by doctor Milner in "*The Orthodox Journal, and Catholic Monthly Intelligencer*." The doctor (Vol. i. p. 93.) styles it "a periodical work of considerable ability, orthodoxy, and independence,"—and he contributed largely to it.—In a letter to *the propagandá*, the pope blames him for these contributions; and calls the journal "an impudent publication, which incessantly slanders the great, the wise, and the good, both in and out of England."

*An analytical History of the Fifth Resolution of the  
English Catholics.*

1. Towards the end of the year 1809, the English catholics prepared a petition to be presented to the parliament of Great Britain, for the purpose of obtaining a participation of civil rights, and a free and public exercise of their religious worship. One thing, among the rest, they particularly prayed for,—that catholic soldiers might be exempted from the punishments, to which they are made liable by law, if they decline to attend, on Sundays, the protestant worship: and that catholics in general might obtain a civil and legal validity to their marriages, without their being obliged to celebrate them before a minister of the protestant church.

2. This petition, signed by all the vicars-apostolic, by their coadjutors, by almost all the catholic clergy, by the catholic nobility, by the greatest part of the lower class of English catholics, was entrusted to the right honourable earl Grey, a member of the upper house, and to the right honourable William Wyndham, a member of the lower house of parliament, to be presented by them to these two branches of the legislature.

3. Till then, it never had been in the power of English catholics to communicate with the parliament, or with those who patronized them, respecting any conditions, that regarded the repeal of the penal laws\*. It was a

\* Before this time, communication had taken place between his majesty's ministers and the English catholics, on catholic emancipation and certain subjects connected with it; but, up to the time, to which doctor Poynter refers in the text, no such communication with the *English catholics* had proceeded so far, as to have brought his majesty's ministers to mention the *conditions* on which the emancipation, or any degree of it, would be granted.



transaction of a most novel kind, and which eventually might conduce much to the good and advancement of the catholic religion.

4. On the 29th of January 1810, earl Grey signified to some of our leading men among the catholics, that, to obtain success to the petition, he particularly desired that, "the catholics should declare, by some instrument, that they were ready and prepared to give some pledge which should not be repugnant to the principles of their religion, respecting the loyalty of those, who should be appointed to the prelacy." He therefore proposed a formula, by which the English catholics should express, that "they were willing to acquiesce in any proposal, which should be conformable to the principles of their religion, and the discipline of the roman-catholic church, and which should seem expedient to assure the loyalty of those, who were to be promoted to episcopal order and duty."

5. In fact, on the very next day, which was the 30th of January 1810, a copy of this formula was exhibited to doctor Douglass, the vicar of the London district, who instantly, and without hesitation, rejected it, as it appeared to restrain the power of the chief pontiff in electing his vicars in England. In the mean time, another copy of this formula was sent to doctor Collingridge, the vicar-apostolic of the western district in England.

6. While these things were going on, some leading men among the catholics, conceiving that this formula might appear to some, to regard *the specific proposal respecting the veto*, which the Irish prelate had declared to be *inexpedient*, and being unwilling, that any specific proposal, which might affect the common concerns of the English and Irish catholics, should be entered into, without the consent of their Irish brethren, waited early in the morning of the 31st of January upon earl

Grey. In the explanation of the matter with him, it was understood, by every one, on each side, that there was no question, either respecting the veto, or any other specific pledge;—and that only a general declaration should be made, which should express that the catholics were ready to do, on their part, those things, which, while they were conformable to their religion, might, at the same time, give mutual satisfaction and security to government and the catholics. Earl Grey did not hesitate to give this explanation in writing, and to sign it with his hand: and accordingly under this impression, the fifth resolution was, among various others, prepared. The part of it, which relates to the present business, is expressed in these words:

*“ That the catholics are firmly persuaded, that  
“ adequate provision for the maintenance of the civil  
“ and religious establishments of this kingdom may be  
“ made consistently with the strictest adherence on  
“ their part, to the tenets and discipline of the roman-  
“ catholic religion; and that any arrangements founded  
“ on this basis of mutual satisfaction and security,  
“ and extending to them the full enjoyment of the civil  
“ constitution of their country, will meet with their  
“ mutual concurrence.”*

7. On the same morning, doctor Milner came to the house of doctor Douglass, and while I, then the co-adjutor of doctor Douglass, was present, I myself heard doctor Milner ask of doctor Douglass, “ what he meant to do, respecting that satisfaction, which our government required ?” Doctor Douglass answered, that “ we owe to government, and that it behoves us to give it, satisfaction, as to civil obedience and loyalty; and there we should stop: taking care that we do not subject ourselves to government in spiritual concerns.” “ This,” doctor Milner said, “ was the

“very thing, for which he had always contended; that  
 “he would not concede to the government any right  
 “to object to any priest’s appointment to the prelacy,  
 “on any other ground, than want of civil loyalty; and  
 “that too, with this restriction, that government should  
 “be bound to express the reasons of their objection,  
 “and give the accused priest an opportunity of defend-  
 “ing himself.” Then doctor Milner asked me, “what  
 “I thought upon this subject?” I answered, that, “I  
 “had altogether the same opinion as doctor Douglass  
 “on this head: that it was our duty to satisfy govern-  
 “ment of our civil loyalty; but to yield to government  
 “nothing in spiritual concerns.”

8. On the same 31st day of January, doctor Milner, and about thirteen other noblemen and gentlemen, dined, by a friendly invitation, with sir John Lawson, baronet. After dinner, when the fifth resolution, which was intended to be proposed to the catholics at a public meeting, on the following day, was read, lord Clifford made some observations on the terms, in which that resolution was expressed. He also asked doctor Milner, “whether he himself would sign this resolution with his  
 “own hand?”—The doctor exclaimed, with a loud voice, “This will give offence to the Irish; we ought  
 “to wait for their opinion; but that he, as he was the  
 “agent of the Irish bishops, could not sign it; that he  
 “had once been burned in effigy.” The noble lord then asked doctor Milner, “whether he (lord Clifford)  
 “might sign it?” Doctor Milner answered, “you may:” and this answer was heard both by lord Clifford, and by every other person present. This same question, “is it lawful to sign the fifth resolution?” was put to doctor Milner by Mr. Weld, at the same time; and the same answer,—that “it was lawful,”—was given to that gentleman by doctor Milner. Having received this answer from the bishop of Castabala, lord Clifford



judged, that, with a safe conscience, he not only might sign the fifth resolution, but might support and recommend it at the catholic meeting to be held on the following day.

9. Doctor Collingridge, as soon as he had received a copy of the formula framed on the 29th of January, which had been sent to him, set out; and travelling by night, reached London; and early in the morning of the 1st of February, hastened to the house of doctor Douglass. He declared, as doctor Douglass had declared, that, "he would accept of no formula, which  
" would subject the vicars-apostolic, in spiritual matters,  
" to the civil government; or which would, in any manner, be repugnant to the faith, discipline or rights of  
" the catholic church."

10. This arrival of doctor Collingridge was not in the least expected, and altogether unforeseen.

While, thus by accident, doctor Douglass, doctor Collingridge, I and Mr. Hodgson, the vicar-general of doctor Douglass, were assembled, and discoursing on these matters, Mr. Edward Jerningham came to the house of doctor Douglass, for the express purpose of showing him the fifth resolution. The occasion of it being explained, and the resolution itself having been maturely examined and understood, it was adjudged, that "it might be signed without danger, as it gave no  
" pledge to accept any thing specific; and particularly,  
" as the catholics, when they signed it, would only  
" declare their willingness to concur in such measures,  
" as would give mutual satisfaction and security. For  
" that, if any arrangements should ever be proposed,  
" which should not satisfy us, the guardians of the sacred  
" deposit of the faith and discipline of the catholic  
" church, or which should be adverse to its security,  
" it would be wholly and absolutely free to us, altogether,

“and under the very wording of the resolution, to reject them.”

But, notwithstanding all this, as we wished that all the four vicars-apostolic should act by mutual agreement, it was determined not to sign this resolution till doctor Gibson's arrival in London. While I mention this, I also think that I ought not to omit mentioning, that doctor Douglass expressly declared to me his coadjutor, that, “he wished me in this business, not to do any thing in his place or name.”

11. It is to be observed, that doctor Milner was not present with us at this meeting: nor is this wonderful: for we had met together by accident, not preconcert. Mr. Edward Jerningham's arrival, bearing with him the fifth resolution, and his presenting it to us for perusal, were unexpected: nor was there then time to convene doctor Milner, before the hour fixed for the meeting of the catholics. While therefore he cannot complain of our judging without him that the fifth resolution might be signed, this also occurs, that he himself on the day before had, without advising with us, by two answers, announced that it might be signed with a safe conscience,—yet of this, none of us hath ever complained.

12. On the 1st of February, therefore, doctor Collingridge and I proceeded together from the house of doctor Douglass to the great room in St. Alban's tavern, to which the catholics were convened.—Taverns of this description in London, are large houses, full of magnificent rooms, in which the inhabitants of London, are frequently assembled for public business, there not being, in private houses, rooms sufficiently spacious for such meetings. Hence, a person would not speak fairly of this meeting, who, giving no explanation of the term, would announce to persons of foreign countries, unacquainted with our manners, that a meeting of bishops,

noblemen and other catholics, was held at a tavern. On that day there were not fewer than about two hundred catholics—clergy, nobility and gentry,—assembled in the tavern. Doctor Milner too was there, among the others. When I entered the room with doctor Collingridge, I said to doctor Milner, that we should not sign the resolution on that day, because we wished to wait for the arrival of doctor Gibson, to the end that all the vicars-apostolic might act in concert. I then invited doctor Milner to meet doctor Collingridge and myself on the day after, upon this business, in the house of doctor Douglass; but I never told him, that on that day, I had done any thing or ought to do any thing, on the part of doctor Douglass; for this, doctor Douglass had expressly forbidden me.

13. After lord Stourton, who presided at the meeting, had moved, and lord Clifford had seconded the resolutions, and after each had addressed the meeting at length, lord Stourton, with the full assent of all persons present, declared, that, “suffering as they had done for “so many years, a privation of all their civil rights, and of “much of their temporal property, on account of their “profession of the catholic faith, still, they would not “surrender a single particle of that holy religion, in the “hope of any temporal advantages whatsoever, which “the British government could give to the catholics; “and that they valued their religion much higher than all “their temporal possessions, or the highest honours of “the kingdom.”

14. Although doctor Collingridge and I derived the greatest comfort of mind from these words, yet, I thought it my duty, before the fifth resolution was put to the vote, to say a few words, that all persons might know the reason why the vicars-apostolic and I wished to do nothing before the arrival of doctor Gibson; I therefore observed, that, “questions affecting the spiritual



“ concerns of all the four districts, and which consequently ought to be referred to the judgment of all the four vicars-apostolic, might arise on the fifth resolution. I therefore proposed for consideration, whether it were not expedient, that the vicars-apostolic should abstain from signing till the arrival of doctor Gibson?” I added, that, “ the concert of all the four vicars-apostolic, if they were of one opinion, would add strength to the resolution, and greatly assist to the obtaining of that, which all had in view.” Lord Stourton answered, “ that these resolutions contained no specific pledge, but only expressed a general disposition on the part of the catholics to negotiate with government for their emancipation, on such a footing, that mutual satisfaction and security might be obtained:” His lordship then declared solemnly, that, “ If any specific conditions, which pertained to matters of religion, should at any time be proposed, they should be submitted to the judgment of the vicars-apostolic.” This declaration was made and received with universal applause, and was most grateful to doctor Collingridge and to me, as we felt how necessary it was to favour this disposition so publicly and so solemnly made,—“ submitting all things pertaining to religion to the judgment of the vicars-apostolic.” And this every one would feel, who should consider, that then, for the first time, such a declaration was made, after the deplorable divisions, which formerly existed between the bishops and some catholics, and which now appeared to be extinguished and buried for evermore.—Still, however, doctor Collingridge and I desired that matters should wait the arrival of doctor Gibson, that all the four vicars-apostolic might act together and in concert.

15. This indeed was agreeable to the meeting; and it was proposed that a letter should be written to doctor Gibson, by which, “ he should be respectfully invited

“to come up to London as soon as possible:” but, as a certain day was fixed, beyond which, it was then thought that the catholic petition, with the accompanying resolution, could not be presented, and as it was clear that doctor Gibson could not reach London within that time, it was manifest, either that this fifth resolution could not be signed by the other vicars-apostolic,—or that the arrival of doctor Gibson could not be waited for.

16. In the mean time, lord Clifford informed me, that doctor Milner had told him the preceding day, that “he should not sign the fifth resolution, because *he was the agent of the Irish bishops.*”—I went up to doctor Milner and asked him, “whether he would sign these proposed resolutions?” He,—turning from me,—answered, “*I have been once burned in effigy; if I should sign this resolution, I should be burned again.*” Doctor Collingridge proposed the very same question to doctor Milner, and received from him the very same answer. Doctor Collingridge pressed him “to assign his reasons for refusing to sign:” doctor Milner replied, “don’t anticipate my reasons.”

17. Doctor Milner produced some letters, which, he said, he had received from Ireland, and desired that the English catholics would wait, till the Irish prelates should have held a synod, which they were to hold within ten days: but alleged no good reason why the English catholics,—deliberating on their own concerns,—should embrace this advice.

18. The resolutions were therefore put to the votes of the whole assembly, to be carried or rejected. Doctor Collingridge and I voted on neither side, and we therefore abstained from giving any sign of approbation or disapprobation; so that, as our hands were not raised with the others, it was wrongly construed to be a sign of our disapprobation of the resolution proposed.

19. While this was going on, Mr. Weld, a roman-catholic gentleman of great respectability, together with

his sons, consulted, now for the second time, with doctor Milner, “whether he and his sons could with a safe conscience, sign the fifth resolution?” Doctor Milner, by his answer, a second time recommended it to them.

20. The five resolutions being thus approved and accepted by this most respectable meeting of catholics, all hastened to sign them. One consideration remained, —whether doctor Collingridge and I should sign them that day, or not. The fifth resolution, upon which only the difficulty turned, contained in itself no danger, as it held us bound to nothing, which could conflict with the doctrine and discipline of the catholic religion, or which did not afford to us both satisfaction and security.

Things being thus circumstanced,—on the one side, —every reason, for which, in the beginning, we had wished to postpone the signing of our names to a future time, had ceased, as it appeared that doctor Gibson, for whose arrival we were desirous to wait, could not reach London in time for signing, and as doctor Milner was unwilling to sign this resolution of the English catholics, *because he was the agent of the Irish bishops*\*;—on the other side,—the weightiest reasons convinced doctor Collingridge and me, that these resolutions should be signed by us, without any further delay:—particularly, as after the declaration most grateful, and full of religion, which had been made, with the applause of all, that “they” would submit all conditions pertaining to religion, to “the judgment of the vicars-apostolic,”—which declaration put an end to all anterior divisions, and restored a most happy union between the bishops and all catholics, —there did appear to be some reason to apprehend, that, if the bishops had refused to stretch forth their hand in confirmation of peace and union, they might be thought to have given just cause of complaint to so many catholics, who had deserved well of religion; and also to

\* They have long discontinued to employ him as their agent.



have provoked them to emancipate themselves without any communication with the bishops. Hence many, and those the most distinguished among the clergy, came up to me, and earnestly entreated me not to quit the room, without subscribing the resolution. In fact, if this opportunity of confirming the union among the catholics themselves, and between them and their bishops, had been suffered to pass by, it might have been found too late and fruitless to search for another. Hence doctor Collingridge and I, subscribed our names; because we thought that the resolution, whether considered in itself, or in the circumstances accompanying it, was harmless and free from danger:—and we signed it, on that very day, because we saw the greatest detriment might accrue to religion and to the common peace of the catholics, among themselves, if we should refuse to sign it immediately. Thus, therefore, on this very day, noble and distinguished catholics, who had been divided for twenty years, became joined as one people in the bond of peace.

21. In the mean time, doctor Milner having been invited by some person to meet him on the following day, replied, in my hearing, that he had “assigned that day” to confer with doctor Collingridge and me at the “house of doctor Douglass:”—But, as subsequently to that assignation, circumstances were so changed that the conference might be postponed without inconvenience, I answered, that “doctor Milner was at liberty, “if he thought proper, to transact his business with any “other person, on the following day.”

22. From this assembly, I returned immediately to the house of doctor Douglass, who was confined to it by infirmity; and I recounted to him every thing which had passed. He approved of all that I had done in the business; and, on the following day, he himself, with his own hand, subscribed his name to the resolutions.

23. On the 5th of February, doctor Milner printed

and circulated every where, a letter, in which he endeavoured to show that, if he had signed the fifth resolution, he would have consented by a given pledge for adequate provisions to be made for the support of protestant religious institutions. But no pledge of this kind was contained in this resolution ;—for it is not the catholics, but the legislature, who provide for the supporting the religious institutions of the realm : the obvious and natural sense of this resolution therefore is,—that the catholics are persuaded, that the legislature of Great Britain may provide for supporting the civil and religious institutions of the realm, without exacting from catholics, conditions, which are contrary to their adherence to the doctrine and discipline of the roman-catholic church. Besides, if doctor Milner had really deemed that to be the sense of the fifth resolution, which he attributes to it in his letter of the 5th of February, why did he answer lord Clifford and Mr. Weld and all his family, that this resolution might be signed with a safe conscience? 2dly. In the same letter he complained, that the catholics had not by this resolution provided for the safety of their church ; which, when he wishes to prove, he omits the words, “ *founded on the basis of mutual satisfaction and security ;*” which words show, that the catholics, who signed this resolution, not only contemplated the faith and the discipline, but that they had in view, *the security of the church* ; and that they were bound to no conditions, which should not be satisfactory to themselves :—but what should satisfy them in matters pertaining to religion, was, according to the declaration made in this very assembly, to be decided by the judgment of the vicars-apostolic.

An answer was published by me to this letter published by doctor Milner.—With the single exception of this answer, I have published nothing in defence of my reputation or of that of my colleagues, against the various calumnies, by which we have been attacked not

only every year, but every month by our brother doctor Milner.

24. Towards the middle of the month of February, doctor Gibson, with doctor Smith his coadjutor, arrived in London. By an unforeseen accident it had happened, that the petition of the roman-catholics with the five resolutions, had not been presented to parliament, on the day, which had been appointed for it.—Now, when doctor Gibson had heard from earl Grey, both what the sense of the resolution was, and what sort of a pledge it contained, he and his coadjutor subscribed their names to it.

25. Let no one imagine that, the vicar-apostolic of the northern district with his coadjutor, the bishop of the London district with his coadjutor, and the bishop of the western district, in giving their names and sanction to the common petition of the catholics for the repeal of the penal laws, and to the resolutions accompanying it, had only in view *that* which favoured the obtaining of the civil rights and temporal advantages of the catholics:—let him reflect, how great are the difficulties and the thraldoms, by which the catholics are obstructed in the exercise of their religion, and to the removal of which the vicars-apostolic gave their first attention.—What shall I say of the condition of the sailors and soldiers, who may be legally forced, and sometimes are forced to protestant churches or places of worship on Sundays:—on the condition of the catholic priests, whose admission to sick or dying catholics in hospitals depends on the will of the functionaries, or servants employed in them, who sometimes refuse them admittance to the dying:—on the marriages of catholics, which are held in law to be invalid, unless they are celebrated by the protestant parson, in the protestant church, and in the manner prescribed by the law of the land:—on the funds possessed by the catholics, for the education of



the clergy, or the support of missions, and of other religious duties, of all of which catholics may be deprived, because, in the eye of the law they are destined to superstitious uses? That these and other most heavy burthens on catholics might be removed, was it not just that the vicars-apostolic and the laity, should labour, with their joint efforts, to obtain the repeal of the penal laws, by which catholics are oppressed both in civil society and in the exercise of their religion? And, if the catholics were held to no conditions, but those, which accorded with the doctrines and discipline of the church, and which would carry with them satisfaction and security to the catholics themselves, would it have become the vicars-apostolic, to decline their share of exertion in the business? would they not have been wanting to their duty,—particularly after they had heard those words, replete with piety and comfort,—that “all conditions, which pertained to religion, should be “referred to the judgment of the vicars-apostolic?” would they not have been grossly wanting to their duty, if they had not accepted this pledge?—if they had deserted from the common cause?

26. Still,—doctor Milner, who, at *three different times*, had recommended the signing of this resolution, publicly opposed it afterwards:—and immediately a vehement clamor was raised in IRELAND against this resolution and the English catholics. But, on what ground was this clamor in Ireland raised?—Three causes for this clamor may with truth be assigned.

1st. That, some catholics, who met at Dublin, thought that the English catholics, in signing this resolution, had violated the pledge given by them, that they never would adopt any measure without the concurrence of the Irish, which pledge the English catholics deny their having violated.

But, if this were true, it was a political not a religious

reason;—at all events, whatever might have been this pledge, the vicars-apostolic were ignorant of it.

2d. The clamor proceeded from this, that the lower order of Irish was, *at that time*, averse to every thing English, or which came from England.

Hence, it is not wonderful that, after doctor Milner had exclaimed against the fifth resolution and the English catholics who had signed it, he should have been so much extolled, and should as yet be extolled by the Irish demagogues\*.

3d. The third reason, on account of which the Irish clamored so much against the fifth resolution, was the false exposition given of it, and transmitted to Ireland. This false exposition I have noted before; which, when it was presented to the minds of the Irish, which had, till then, been well disposed towards it, irritated them, and excited them to explode the fifth resolution. The archbishops and bishops of Dublin appear to have been deceived by this exposition: for when, on the 26th day of February of the same year 1810, they had produced, among other resolutions, their sixteenth, in which they expressed, (though less cautiously perhaps), the same sentiments as the English catholics had done, in their fifth resolution; they, in the seventeenth resolution which followed, praised their agent doctor Milner, because, as they imagined, he had opposed the fifth resolution of the English catholics.

27. That a right judgment may be formed of the fifth resolution of the English catholics and the sixteenth of the Irish catholics, I will subjoin the words of each.—Behold the tenor of the first!

\* *Irish demagogues.*—These words are not doctor Poynter's:—they are copied by him from a passage, which he transcribes on the proofs, from a printed letter of doctor Milner, cited in them.

*The Fifth Resolution of the English Roman-catholics on  
the 1st February 1810.*

“ The roman-catholics of England are firmly  
“ persuaded, that adequate provision for the main-  
“ tenance of the civil and religious establishments  
“ of this kingdom may be made, consistently with  
“ the strictest adherence on their part, to the tenets  
“ and discipline of the roman-catholic religion ; and  
“ that any arrangements, founded on this basis of  
“ MUTUAL SATISFACTION AND SECURITY, and  
“ extending to them the full enjoyment of the civil  
“ constitution of their country, will meet with  
“ their grateful concurrence.”

Behold the tenor of the second !

*The Sixteenth Resolution of the Irish Prelates on the  
26th February 1810.*

“ That, as to arrangements regarding our church,  
“ and said to be intended for accompanying a pro-  
“ posal of the emancipation of Irish roman-catholics,  
“ prudence and a regard for our duty forbid us to  
“ pronounce a judgment. However, we declare,  
“ that no spirit of conciliation has ever been want-  
“ ing on our part ; that we seek for nothing beyond  
“ the mere integrity and safety of the roman-ca-  
“ tholic religion, in its christian faith and com-  
“ munion, and its essential discipline, subordina-  
“ tion and moral code : nor may we be justly  
“ reproached for our solicitude in guarding those  
“ sacred things, for which we are bound to watch  
“ and bear testimony with our lives if required \*.”

\* It cannot be denied that the translations of both resolutions, in doctor Poynter's *Epistola Apologetica*, are perfectly accurate. The same cannot be said of the translation given of the fifth resolution of



28. If there be any difference between this resolution of the Irish bishops and the fifth resolution of the English catholics, it seems to consist in this, that the English catholics contended “that *the whole discipline of the church*” should be preserved, making no difference between that, which is essential, and that, which is accidental; whereas, the Irish bishops declared, that “they sought for nothing beyond the mere integrity and “safety of the roman-catholic religion in *its essential discipline.*”

29. The Irish prelates subscribed their sixteen resolutions with their names, and promulgated them among their flocks: to these, they added another resolution, the seventeenth in number, signed by their secretary only, which, at first, they did not publish with the other sixteen; but which they sent to doctor Milner their agent in England, to have it published *there* in any manner he should deem expedient;—it is expressed in these words:

“Resolved unanimously, *That the thanks of this meeting be, and are hereby given to the right reverend doctor Milner, bishop of Castabala, for the faithful discharge of his duty, as agent to the roman-catholic bishops of this part of the united kingdom, and more*

the English catholics by the Irish prelates, in their synodical letter of the 12th November 1813 recently published by Dr. Milner.—“Se, (catholicos nempe) persuasum habere, quædam esse media pro stabiliendo statu civili et ecclesiastico hujus regni, salvâ fide et disciplinâ catholicâ, et se paratos esse alacriter concurrere ad hæc media adhibenda \*.”—We do not venture to translate this version;—the reader must perceive that it is a great misrepresentation,—unintentional no doubt,—of the fifth resolution:—it *omits altogether* the important words, which require that the arrangement, with which the subscribers of that resolution bound themselves “gratefully to concur,”—should be “founded on the basis of *mutual satisfaction and security, and to extend to them the full enjoyment of the civil constitution of the country.*”

\* See Doctor Milner's Supp. Mem. App. G. page 297.

“ particularly for his late apostolical firmness, in  
 “ dissenting from and opposing a vague, indefinite  
 “ declaration or resolution, pledging roman-catholics  
 “ to an eventual acquiescence in arrangements possibly  
 “ prejudicial to the integrity and safety of our church  
 “ discipline.”

30. The venerable prelates of Ireland praise,—not the vicar-apostolic of England,—but their agent, interfering in the concerns of the English catholics.—By what right, has he, as an agent of the Irish bishops, any concern in the civil or ecclesiastical affairs of the English catholics?—But doctor Milner had answered to lord Clifford, Mr. Weld and others, that “ he would do nothing respecting the resolutions of the English catholics, because he was the agent of the Irish bishops!” What then has he done to entitle him to the praise of apostolical firmness? Did he dissent from the fifth resolution? On the contrary,—he persuaded lord Clifford and Mr. Weld and his family to sign it\*,—and he declared that he should condemn none of the clergy of his district who should sign it. Did he make any opposition to the resolution? Not the slightest.—But, if he had opposed this resolution, what would he have opposed, more than a resolution, by which catholics pledged themselves to no proposal, that was not consonant to the doctrines and discipline of their religion, and which did not carry with it satisfaction and security to them?—Does the man who opposes such a resolution, deserve the praise of *apostolical firmness*?—from those

\* Doctor Milner, in his “ *Additional Notes to Supplementary Memoirs of English Catholics, with some Remarks addressed to the Editor of a late Publication, intituled, An Apologetical Epistle to Cardinal Litta,*” denies or rather wishes to be thought to deny this fact.—But it does not admit of doubt.—This may be easily ascertained by applying to lord Clifford, or to any of the late Mr. Weld’s surviving sons.

particularly, who declared, in the very same hour, that they sought that only in discipline, *which was essential?*

Wonderful therefore will it ever appear, that the prelates of Ireland should have praised their agent, 1st, for opposing a resolution, which he had never opposed,—but the signing of which he had recommended; and 2dly, for opposing a resolution, which differs from their own sixteenth resolution in this particular only, that the English resolution provides *for the preservation of the whole discipline of the church*, while the resolution of the Irish prelates stipulates *for the preservation of no part of its discipline that is not essential*.

31. But the Irish bishops have declared the fifth resolution to be “*vague and indefinite*,” and “to be such as” pledged the catholics to an eventual acquiescence in “arrangements possibly prejudicial to the integrity and safety of our church discipline.” But certainly, a resolution is not vague and indefinite, in which the conditions are so fixed and defined, that the catholics stipulate in them expressly for their adherence to the doctrines and discipline of the roman-catholic religion, and their concurrence in that, which rests on the foundation of mutual satisfaction and security. Those who search among future contingents, for what may, by possibility, be objectionable, endeavour to draw up matter of crimination from a dark abyss: but it is sufficient for us, that we have guarded, by the very terms of the resolution, against these objectionable possibilities.

For either the conditions to be proposed will be adverse to the faith, discipline and integrity of the catholic religion, or they will not. If they should be such, then, by the very terms of the resolution, we shall not be bound to accept them; if they should not, what an empty clamor!

32. It may be asked,—by what right the Irish bishops passed this sentence upon the resolution and *act of*



*English catholics?* Doctor Milner gives this answer,—that this resolution was in opposition to the resolution of the Irish bishops of the 14th September 1808, by which they declared it “to be *inexpedient* to introduce “any alteration in the canonical mode hitherto observed “in the nomination of Irish roman-catholic bishops.” But, it is most evident, that the resolution of the English catholics was not opposed to this resolution; 1st. Because it provides for the preservation of the whole discipline of the catholic church, which embraces, among other things, the canonical election of bishops: 2d. Because it left the Irish roman-catholic bishops untouched,

Again,—doctor Milner contends, that the fifth resolution was proposed by lord Grey and lord Grenville, for the express purpose of binding the catholics to grant to the king, the negative power, or *the veto*, and to the performance of every thing else, that was contained in lord Grenville’s letter to lord Fingall.—But,—1st. When the fifth resolution was proposed, nothing whatever was either directly or indirectly spoken or understood about the veto, about the letter of lord Grenville, or about the intentions of lord Grey or lord Grenville. Hence,—whatever might be in this letter, or in the intentions of the noble lords, the catholics were not bound to it; but were bound only to those things, which were proposed by the terms or meaning of the resolution, and accepted by them.—2d. How unjustly a design to injure the catholic religion is attributed by doctor Milner to these noble senators, (who have deserved so very well of the catholics,) when they proposed the fifth resolution, appears from the solemn declarations, which those noble-men made, as well before the catholics signed the fifth resolution, as in parliament on the 31st of January 1812, and on other occasions well known to us.

33. This seventeenth resolution of the Irish bishops,

by which they praise their agent for resisting the resolution of the English catholics,—which resistance he never made,—and by which resolution they, without any provocation, or any right, that we know of, passed a synodal sentence upon an act of English catholics, has been published by doctor Milner in England, and circulated in various manners, through our districts, at his will, according to the directions, which the Irish bishops had given to him as their agent;—which could not be done without great injury to the other vicars-apostolic, or without great danger of exciting divisions among the catholics in England. Whether this mode of proceeding, which our brethren the bishops of Ireland and doctor Milner their agent have pursued, be conformable to the canon law or not, I leave to the judgment of the congregation *de propagandâ fide*.

34. These proceedings affected the other vicars-apostolic in England so much, that they employed me, as their secretary, to write letters on the subject of them, to doctor Milner and some of the Irish prelates, particularly doctor Troy. These letters I alone wrote, and in private, but did not send them to the Irish bishops, before they were seen and approved of by doctor Gibson, doctor Douglass, doctor Collingridge, the other vicars-apostolic. Doctor Milner made it a heavy charge against me, that I availed myself of the services of Mr. Charles Butler in writing these letters, in which, doctor Milner was indeed wholly mistaken; as I afterwards demonstrated to him, so, as that he acknowledged and confessed that he was mistaken.

35. We held this communication by letter, with the archbishop of Dublin, in order that, by a secret and friendly expostulation and exposition of the truth, we might remove the ill-conceived opinions formed of the councils and acts of the vicars-apostolic, and that we might behold the return we wished for, of that ancient

concord, which had happily prevailed between the Irish and English bishops, till the time of the fifth resolution. We did not publish these letters,—lest we should cause divisions, or submit episcopal concerns to the judgment of the common people.—In the mean time, doctor Milner has not ceased, by letters, and pamphlets circulated among the people, not only to render odious the fifth resolution, by his expositions of it, but to injure, in a high degree, the reputation of his colleagues, the other vicars-apostolic. Doctor Milner even in his printed work, intituled, “An Explanation with doctor Poynter,” has made public, parts of my letter to the archbishop of Dublin, garbling and mangling my sentences, my narrative, and my arguments.

36. But now,—after I shall answer two arguments brought against the fifth resolution, I will put an end to this exposition of facts.

*The first reason* for objecting is said to be,—that, though the resolution be harmless in itself, yet the circumstances, in which it was proposed, were such, that it ought not, at least, at that time, to be signed by the vicars-apostolic.

If any person still thinks so—I beg he will vouchsafe to read once more the account, which I have given of the circumstances, in which the vicars-apostolic were placed, and to weigh them:—and I am convinced he will acknowledge, that these very circumstances made it a most imperative duty on the vicars-apostolic, not only to sign that resolution; but to sign it at the time, when they did sign it.

*The second reason* for objecting,—is said to be,—that the objectionable clauses in the new bill brought into parliament, originated in this fifth resolution of the English catholics.

But how? Was it, because those clauses were adverse to the discipline or the safety of the church, and that



the English catholics had promised, by the pledge given in that resolution, to consent to such clauses? But the English catholics had promised nothing of the kind:—rather the contrary,—as they had declared that they were ready to concur *in that only, which was consistent with the doctrines and discipline of the catholic church*, and which would afford them satisfaction and security. Did those, who prepared these clauses, or who advocated them in parliament, refer to this fifth resolution of the English catholics?—Not in the least. *But they DID openly appeal to the resolutions of certain Irish prelates in the year 1799.* If any persons were bound by any previous pledge and declaration to accept these clauses, or had in any manner committed themselves, those persons certainly were not English catholics. And assuredly,—the vicars-apostolic of England, who signed the fifth resolution in 1810, published in the month of November 1813, a pastoral instruction, in which they quoted the fifth resolution, as a declaration, which precluded any concurrence or consent on their part, to any conditions or restrictions, which could be adverse to the integrity or security of the catholic religion, and, at the same time, publicly disapproved of the clauses in the new bill:—and with reason,—as these clauses neither gave satisfaction nor security to the bishops. No person availed himself, or could have availed himself, of the fifth resolution, as a pretext for imposing such clauses or restrictions upon the catholics.

37. Although by disapproving, in that pastoral instruction, the clauses in the new bill, we declared, in what sense we signed the fifth resolution,—namely,—inasmuch as it contained nothing that was not most strictly conformable to the doctrines and discipline of the catholic church, and the rights of the holy apostolic see; and although, when we made this declaration, we did the very thing which doctor Milner and the Irish

bishops required of us, yet did doctor Milner, (see the explanation with the right rev. doctor Poynter by the right rev. doctor Milner, v. A. M. D. page 35 and 36), nevertheless attack this our public declaration and the whole of our pastoral letter, in an encyclical letter of the 22d November 1813, which he sent to the catholics of his midland district, and which together with my pastoral instruction was, without my consent, circulated in the Orthodox Journal among the public.

38. Now I request that this encyclical letter of doctor Milner may be considered with attention. It is a formal attack upon my pastoral instruction, which, on the 17th of November 1813, I officially addressed to the clergy and laity of the London district. I ask,—if it be conformable to the discipline of the church and to the canon law, that any one bishop should, formally, and in public, attack the pastoral instruction of another bishop, over whom he hath no jurisdiction? He contemptuously calls this my pastoral instruction, a circular letter, and again contemptuously describes the pastoral instruction of doctor Gibson as a copy taken from mine. Probably, at this time he had heard nothing of the pastoral letters of bishops Collingridge, Cameron and Chisholme.—Towards the end of the first paragraph of this his epistle, doctor Milner contends that this pastoral instruction should be considered as a formal contradiction of the decision of the Irish prelates of the 26th February 1810. But we touch no decision of these venerable prelates; we treat of our own concerns only. Then,—calling the fifth resolution, with greater boldness than truth, a *fatal one*, he proclaims without any reason, that the new bill, which he denominates *schismatical*, derived its origin from that resolution.

39. Then he proceeds further, and draws into light what he calls a chain of facts.

And *in the first place*,—assuming it to be a fact,—he

declares, that he had an indubitable right of speaking and judging at the assembly of bishops at Durham,—which, as he was not invited to it, he terms a packed council.

Now, is the right, thus claimed for himself by a vicar-apostolic, to be proved from any principle of the canon law, which is applicable to assemblies of some particular vicars-apostolic, equal among themselves, independent of each other, subject to no metropolitan, who agree to meet together? Can then the appellation of a packed council, by which he honours this meeting, be defended? Ought it to be endured? Is it becoming to use it?

40. *In the second place*,—he assumes as a fact, that certain bishops in Scotland, who were present at the meeting, were induced to attend it, by the false representations, that the vicar-apostolic of the midland district, was to be present with the others at the meeting, and that these Scottish bishops *strongly* reprobated his exclusion.

This assertion, which doctor Milner terms a fact, is altogether deficient in truth.

The reasons, for which doctor Milner was not invited, were numerous :

First,—because one of the vicars-apostolic absolutely refused to meet him :

Secondly,—because in the former meetings, he had conducted himself in a manner highly arbitrary and offensive to the other vicars :

Thirdly,—because he had printed and circulated among the public mutilated and untrue accounts of what was said or done at the former meetings.

I myself declared, both by word of mouth and writing, that there was no obstacle on my part to his being present, if it pleased the other bishops:—but it did not please them.



41. *In the third place*,—doctor Milner puts forth as a fact, that it was known to him, that the meeting was proposed and formed by some lay catholics for furnishing a sanction or pretence for making concessions to the protestant church, which might serve as a foundation for a new bill to be offered by them to parliament. On this doctor Cameron observes, that this pretended fact requires some proof:—for it bears on the face of it, a most heavy charge;—some proof of it is therefore necessary.

But where is this proof to be found?

In every respect it is most false:—as I am ready so to testify on the word of a bishop.

42. As another fact, doctor Milner, in this same fourth place, asserts,—that “the chief agent in this business was a distinguished ecclesiastic,—(meaning “myself),—who holds a pension at the will of these laymen, which was raised by public advertisement for the situation, which he holds, soon after he had signed their favourite fifth resolution; and at a time when the Irish prelates and doctor Milner, persisted in their protest against receiving money from any quarter, while their religion continued in danger\*.”

I declare that I hold a pension at the will of no one;—that I depend upon no layman.

I know that, in the time of my predecessor, doctor Douglass, a fund or capital began to be collected for the support of the vicar-apostolic of the London district:—but I declare that I was never consulted about this fund.

The first thought of collecting it, was conceived about the year 1808, when the reverend Mr. Bramston accidentally discovered the narrow circumstances of

\* Bishop Milner's Encyclical Letter, *Orthodox Journal*, November 1813, page 232.

doctor Douglass ; he was grieved at them, and, wishing that the evil might be remedied, so that the vicars-apostolic of the London district might not, in any future time, labour under such great straits, he proposed to some of the faithful of that district, a plan of doing something for the relief of doctor Douglass in his illness. From this fund the vicar-apostolic of the London district now receives, but subject to no control, a yearly income.

The establishment of this fund never had any connection with the fifth resolution.

In fine, all the crimination implied or rather expressed by this fourth (pretended) fact, is wholly false and destitute of foundation. In 1810,—*before* the pamphlet intituled, “ An Explanation with the right rev. doctor “ Poynter,” containing a false representation of this transaction, was published,—(which was on the 25th of March 1812),—the reverend Mr. Bramston had laid before doctor Milner, a clear and distinct statement of the real facts respecting this fund ;—and at Durham, on the 22d August 1812, which was *long before* 1813, in which year the encyclical letter, containing this crimination, was published by doctor Milner, Mr. Bramston, in the hearing of the four other prelates and myself, again explained the matter to doctor Milner. What is testified by Mr. Bramston respecting this transaction, he is ready to testify solemnly, if it should be necessary.

Moreover,—the very regulations respecting the fund, which have been printed, show how false the charge thus brought by doctor Milner really is.

I hope my mind is so constituted, that I am not to be induced by money, either to discharge or to decline my duty, and I expect God alone for the reward of my labours.

43. *In the fifth place*,—doctor Milner declares as a fact, that “ it appears from the known report of this agent,”

—(he continues to speak of me),—“to his employers, “and it is gathered from his published letter, that a “principal business of the episcopal meeting was to re- “new the fatal fifth resolution, in opposition to the de- “cision of the catholic prelates in Ireland, 1808 and “1810, from which resolution so much dissention in “both islands, and the yet recent schismatical bill has “proceeded \*.”

It is not true, that the new bill, (which doctor Milner calls schismatical), drew its origin, in any manner, from this resolution. No one of the members, who spoke for or against the bill, appealed to this resolution. The connection between that bill and the resolution is an invention of doctor Milner, as has been shown before in the 36th article of this letter.

44. After this,—doctor Milner declares that the agents of the public board had lately expended their subscribers money in publishing and gratuitously circulating a stereotype work, intituled, “The Rise and Progress of the “Veto \*.”

The falsehood of this declaration has not only been exposed in the public papers, by the honourable Robert Clifford †, but has been proved to demonstration to be false, by the testimony of Mr. Edward Jerningham the secretary of the catholic board.—The falsehood of the other assertions, respecting the manner in which the other vicars-apostolic have conducted themselves about

\* Orthodox Journal, Nov. 1813, p. 232.

\* “The agents of the board have lately expended a great deal of “their subscribers money, in publishing and gratuitously circulating a “stereotype work, expressly contrived still further to mislead the public “mind.” Doctor Milner’s Encyclical Letter, Orthodox Journal, Nov. 1813, p. 233. This charge was by a resolution of the board, explicitly contradicted by Mr. Edward Jerningham their secretary, by a public denial of it in the newspapers:—Had it been true, it would have been a scandalous abuse of trust.

† The editor of the Rise and Progress of the Veto.



the fifth resolution, is shown in the short history, which I have given of it.

45. In this encyclical letter, doctor Milner condemns the praises, which we give in our pastoral letter to the catholics of Great Britain, for the christian and catholic sentiments, which they unanimously expressed, and their ready willingness “to refer all the conditions of their “emancipation, which pertain to religion, to the judgment and decision of their pastors.” If there were a few, who did not deserve, on every account, these praises, is the general expression, morally taken, as it ought to be taken, the less true? Doctor Chisholme thus writes to doctor Milner on this subject: “that he “hoped doctor Milner was sufficiently instructed in logic, as not to be ignorant that a general proposition “sometimes contains exceptions.”

As to the sentiments,—that “they would not give “up, even the least part of their religion, to obtain all “the emoluments of their civil emancipation; and that “they were ready to refer all the conditions of their “emancipation, which pertain to religion, to the judgment and decision of their pastors,”—it is most certain that these sentiments,—(which no one will deny to be both christian and catholic),—have often publicly since the beginning of the year 1810, been unanimously proclaimed by those very catholic noblemen and gentlemen of England,—whom doctor Milner in this place “reproves, “entreats and rebukes.” These, I have often heard;—these, doctor Milner himself heard on the 1st of February 1810;—these same sentiments, with a declaration of their reverence and submission to the holy apostolic see, I myself heard them proclaim, when, in the month of June 1813, they requested of me, that I would endeavour to obtain from the holy see, all such advice as should appear necessary to me and the other vicars-apostolic towards instructing them, when emancipation

should be offered them, whether they could accept the conditions which might then be annexed to it.—Are not such sentiments to be encouraged and praised?

As to the title “protesting catholic dissenters,” which, about the year 1790 was at the time, both proposed and rejected, it has not been assumed since that period, by any English catholics, and has scarcely existed anywhere, except in the writings of doctor Milner.

On the other title,—(the Cisalpine club)\*,—this may be said,—that in its origin, in its beginning, it was offensive; but that now, from the lapse of time, it has become a name without the meaning originally signified by it,—as we often see happen on other occasions. This society is now nothing more than a convivial meeting of catholics, at which they meet in terms of friendship and keep up a friendly intercourse. For many years, nothing has been transacted or discussed in it upon religious or any serious concerns. I certainly could wish to remove that offensive title; but, as it is now an empty name,—of the meaning and origin of which most are ignorant,—as the attempt itself to remove it might stir up in one or two, a spirit, which we hope is extinct, and excite discussions unnecessary, and always dangerous, regard both to religion and to peace, leads me not to meddle with this title, at least for the present.

46. Why doctor Milner should, in his encyclical letter, as in his many other publications, unceasingly revive ancient and dormant disputes, it is difficult to explain; but that he should do it, is not the less to be lamented.

Proceeding in this his epistle to things of a more recent date, he asks, “whether the lay catholics have, “within the last ten years, consulted any bishop, upon “any petition or resolution regarding ecclesiastical matters, and particularly on the celebrated fifth resolution?”

The answer is short and easy. In the hearing of

\* See page 475.

many, lord Clifford and Mr. Weld consulted doctor Milner, on the fifth resolution, on the 31st day of January and the 1st day of February 1810.

47. Besides those things, which I have shortly mentioned before, let me be permitted to request, that any candid judge of these things, would consider,—

With what patience, the English catholics have suffered a privation of their civil rights on account of their profession of the catholic religion;—with what piety, they have adhered, and do still adhere, in the midst of the greatest grievances, to the ancient faith and the holy apostolic see;—with what liberality, they have contributed, out of their private property, to the support of the public burthens of religion and charity.

Let him look into a list of the principal catholics—(among whom he will find those, whom doctor Milner unjustly rebukes);—and into the number of those, who residing neither in London, nor in any principal town, support, at their own charge, either wholly or partially, catholic clergymen, and the expenses of their chapels, and thus procure the comforts of religion to be administered, not only to themselves and their families, but to numerous catholic congregations, in the country, residing in the neighbourhood of their mansions,—let any one, I say, consider and reflect on this and then declare, whether the English catholics do not deserve the praises, which I and the other vicars-apostolic have, with a common voice, given them in our pastoral instruction? Is it not lawful to us, to pay them this tribute, which we deem their just due? Has doctor Milner any right to lay hold of our pastoral instruction, and asperse it on this account?

48. Then doctor Milner blames the manner, in which the other vicars-apostolic of England and Scotland have expressed their disapprobation of the objectionable clauses of the new bill,—because we did not pronounce



the same sentence upon them as the Irish bishops, and as doctor Milner,—who is a *judge in Israel*.

But once more,—by what right does he pronounce upon our sentence? If he boasts that he is a judge in Israel, are not we too judges? Is he judge over us? Has he authority to condemn our official acts?—Against this aggression of our rights, we appeal to the holy see.

49. Respecting those things, which he says of me:—a few of them must be noticed, that the truth may appear.

For,—in the first place,—doctor Milner wrote to me on the 20th day of May 1813, desiring that I would join him in publicly condemning clauses in the new bill, prepared by Mr. Canning. I answered on the same day, that I knew not what these clauses were, and therefore could not condemn them. This answer he calls evasive.

Now it is to be observed, 1st. That, at this time, the first draft of the bill, with the clauses prepared by Mr. Canning, had been revoked; and that Mr. Canning was then employed, together with lord Castlereagh, *in framing a new draft with new clauses*\*. What were the clauses which I was to join doctor Milner in condemning? Were they a new set of clauses not then prepared? But these were unknown to me. What then were the clauses, to which I was to object?

But, 2dly.—I will observe that, on the 21st of May, doctor Milner wrote to me, repeating his question, “Whether as I had then seen the clauses of the new bill, “I would publicly oppose them in conjunction with “him?”—But these clauses, I had not then seen. In this state of things I wished to wait for the opinions of the other bishops, before I declared in print, a public opinion of my own on these points.

\* This the writer of the Memoirs can confirm from his own knowledge: The reader of this part of the Memoirs should always bear this circumstance in view.

Besides,—as the framers of these clauses had promised me, that many alterations should be made in the clauses, when the bill should be in the committee of the house, by which the operation of them would be considerably lightened, it would have been altogether imprudent, to express a public opinion of them, while they were in this imperfect state, and before the proposed discussions and alterations took place.

3dly, and lastly.—I will now say,—that the reasons, for which, in the conference, which doctor Milner had with doctor Collingridge and myself on the 24th of May, we refused to answer his questions, were the conditions, which he wished to impose on us, and the temper of mind, which he then discovered. Doctor Collingridge and I did that, which we thought it was our duty to do. Neither did we think, that we ought to be bound, as doctor Milner wished to bind us, to answer all questions to be proposed by him, or to declare opinions before him, which he could, as experience shows he had done on other occasions, represent rather according to his own, than our manner of understanding them.

50. Therefore,—if any person will examine the things, which, in the encyclical letter, addressed by him to the catholics of his district, as their pastor, doctor Milner states as *facts*, he will find that they are not *facts*, but mere *fabrications*: and that the pastor teaches his flocks things, the falsehood of some of which, has been demonstrated in the public papers.

Such is the nature of some of these things which are called *facts*, that, if they were true, the persons, to whom they are imputed, would be guilty of the *greatest crimes*; but, as they are false, they are the greatest injuries and calumnies.

But,—to whom are these injuries done? To vicars-apostolic, who act under the pope's authority, in the several districts of England:—To most respectable catholics, who have deserved well of religion.

Nor to individuals only,—but to the whole catholic body in Great Britain is the greatest injury done by doctor Milner by such writings;—as they tend to waken controversies set to rest, to renew ancient disputes, to disseminate discord between the English and Irish catholics, and to prevent that peace and concord, which the other vicars-apostolic are endeavouring to establish among all.

And this his epistle, is like the other writings, which during these last five years, doctor Milner has published;—by which, he has assailed, by injurious words, and has sometimes endeavoured to asperse by false accusations,—the vicars-apostolic his colleagues,—the clergy, particularly those of London,—the catholic nobility and commonalty,—the members of parliament,—the ministry,—the opposition,—friends and enemies,—even the bishops of Ireland,—and the court of Rome.

But many noble and distinguished catholics have particularly complained,—and requested, that their complaints may be laid before the holy see,—*that doctor Milner assails them by injurious criminations, even in his pastoral instructions to be read to the people from the altar.*—As he does this in his district in his quality of vicar-apostolic, and therefore in the name of the pope, they inquire, whether it be the will of his holiness, that such an injury should be done them, in his name?

51. Having thus set forth these things, which place the truth in its light, and demonstrate to every one the genuine history of the transaction,—**I APPEAL TO THE HOLY SEE!**

*And I pray that the most blessed father will vouchsafe to protect my colleagues and his vicars against this encroachment of his jurisdiction,—and all the catholics against these injuries done them by a vicar of the holy see.*

WILLIAM POYNTER, Bishop of Halia.

Dated Rome, 15 March 1815.



THE APOLOGETICAL EPISTLE was delivered to cardinal Litta, on the 16th March 1815, the day next after its date. It was intended by the holy see, that the matters, to which it relates, should be taken into consideration in the week next after the following Low Sunday; but, on the Wednesday in Holy week, (22 March), the troubles in Italy compelled the pope to fly from Rome. This prevented the intended proceedings: but cardinal Litta, in a letter to doctor Poynter, dated Rome, 2d December 1815, declares, that, "Doctor Milner had been reprimanded, and had "been ordered to abstain from publishing any such "charges against his colleagues in future." The cardinal addressing himself to doctor Poynter, then says, "Ad "amplitudinem vero tuam quod attinet, persuasum tibi "esse velim, sacram hanc congregationem præclaré quidem de te sentire, et velle, ut auctoritati tuæ in vicariatu tuo omnis honor et ratio habeatur."—"As to "what regards your lordship, I wish you to be persuaded, "that this sacred congregation,"—(*i.e.* the congregation *de propagandâ fide*)—"thinks most honourably of you, "and desires, that in your vicariat, all honour and account should absolutely be shown to you."

It may be added, that Christendom does not possess at this time, a prelate more personally respected by Pius VII, the sacred college of cardinals, or the Roman congregations, than doctor Poynter.

In a brief, of so late a date as April 1820,—after revoking a decree of the *propagandâ*, which derogated from the ordinary jurisdiction of the English vicars-apostolic, his holiness enjoined the sacred congregation, to make no such decrees in future without previously consulting with them.—In the same letter, he complains of the turbulence and violence of doctor Milner's conduct, and orders the sacred congregation to make this known to him; to exhort him to reform, and to threaten him with removal from his vicariat, if he do not.

Some time after the first appearance of the *Epistola Apologetica*, doctor Milner published his “*Additional Notes to Supplementary Memoirs of English Catholics; with some Remarks addressed to the Editor of a late Publication, intituled, An Apologetical Epistle to Cardinal Litta.*”—After a denial, in general rather apparent than real, of some of the charges, doctor Milner says—“I observe that in your pretended Apology, you say nothing about the toleration of Blanchardism—the unveiling of retired ladies,—or the patronage of the Bible Society.”—On each of these subjects the writer will offer some remarks: and avail himself of this opportunity to show the true nature of the Cisalpine club, against which doctor Milner has so greatly inveighed,—and to vindicate the memory of the late lord Petre from an aspersion inserted by doctor Milner in the “*Additional Notes.*”

## I.

*As to Doctor Poynter's Toleration of Blanchardism.*

IN the writer's “*Historical Memoirs of the Church of France\**,” the reader will find a succinct account of the transactions between pope Pius VII. and Buonaparte, and between his holiness and Lewis XVIII.—The successive settlements of that church by the pope was arraigned by an abbé Blanchard, in terms highly indecent, and, if not schismatical, leading at least to schism. One of his publications was condemned both by doctor Douglass and doctor Milner: seven French priests signed a formal approbation of it. In July 1809, the prelates of Ireland condemned eleven positions of Blanchard as false, calumnious, and scandalous. The four English vicars-apostolic in the following February,

\* Ch. xxii. xxiii.

took into consideration the propriety and expediency of coming to a resolution, that no French priest should be allowed to hold spiritual faculties, who, being called upon, should refuse to acknowledge that Pius VII. was not a heretic or schismatic, or the author or abettor of heresy or schism. They did not however come to any final resolution upon this point, but a declaration to this effect was afterwards promulgated by the vicar-apostolic of the midland district, in his diocese.

Among the seven priests, who had signed an approbation of the work of abbé Blanchard, was an abbé Trévaux. That clergyman afterwards expressed to doctor Douglass his repentance of it, and assured him that he had been imposed upon, and had not approved of any of the censured or justly censurable propositions in any of the publications of Blanchard. He explicitly acknowledged to doctor Douglass, his belief that pope Pius VII. was the true legitimate successor of Saint Peter, and professed respectful and canonical obedience to his holiness, as head of the church; and dutiful submission to the apostolic see and his superiors in the hierarchy. Upon this, doctor Douglass restored to the abbé his spiritual faculties. Strong solicitations were made to induce him to restore their faculties to the six other refractory clergymen; but, as they did not give him the satisfaction which he required, doctor Douglass persisted in refusing to restore them.

The Irish prelates and doctor Milner contended that the retraction of the abbé Trévaux should have been more formal, and made public. Doctor Douglass observed, that the abbé could not *retract* what he declared he never had maintained; that his declarations were explicit and complete counterpositions to the doctrines of Blanchard; and that nothing rendered a publication of the transaction necessary; but that some circumstances, peculiar to the London district, rendered it highly inex-



pedient at that time. The Irish prelates and doctor Milner were not satisfied : but doctor Douglass considered that he was not responsible to the Irish prelates, or to doctor Milner for his official conduct in the government of the London district, and declined to make the retractation public.

Whatever may be thought of the motives, which actuated doctor Douglass on this occasion, there is no doubt that he was guided by that spirit of gentleness and moderation, which is almost always right. At all events, as the whole transaction began and ended in the life-time of doctor Douglass, it is a concern, in which doctor Poynter is not implicated in the slightest degree.

But immediately after the decease of doctor Douglass, Blanchard began a direct attack upon doctor Poynter : he pronounced the prelate to be schismatical. “ We live,” he said, “ in an island, where there is no *faithful* bishop, grand-vicar, or priest : the bishop of Blois, the only one in London, who remains to us, has the right of granting spiritual faculties, on account of the universality of the episcopal jurisdiction\*.”

To prevent the propagation of these principles, equally silly and mischievous, doctor Poynter required of every French priest, in his diocese, that before the renewal of his faculties, he should sign a declaration, expressing his subjection to Pius VII. as “ head of the church, and his being in communion with all those, who were united in communion with Pius VII. as with members of the church.” All the Blanchardists refused to sign this declaration.

Some other French priests also refused to sign it : they intimated that Pius VII. was in communion with some French prelates, who had accepted the civil constitution

\* *M. Poynter échouant dans sa tentative pour amener le clergé de Français, résident dans son district, aux innovations qu'il projette, &c.*

of the clergy promulgated by the national assembly of France, and had been intruded into the sees of the lawful prelates : that thus they had contracted the guilt of schism : and that, as they never had retracted their adherence to the constitution, or testified any repentance of their conduct, they still were schismatics, and were not therefore members of the church.

They further contended, that, even admitting this not to be the case, still, the circumstance whether Pius VII. was or was not in communion with persons who were not members of the church, was not a matter of faith, but a mere matter of fact, and therefore left by the church to the judgment of every individual. Yet,—as bishop Poynter had formally pronounced upon it, they conceded that a respectful silence upon it might be expected from them : and this silence they were willing to promise. While they held this language, they took care to mention that they were unconnected with Blanchard, and held none of the positions in his writings which had been censured.

Doctor Poynter, however, continued his injunction in force. He transmitted to Rome a full account of his conduct. The pope addressed to him a letter, dated the 16th of September 1818 : his holiness expressed in it his full approbation of doctor Poynter's conduct ; and ordered him to make this known to the non-subscribing priests. This was done, and the greater part of them immediately signified their obedience to the holy see, and subscribed the formulary\*.

\* See *Jugement de l'Eglise Catholique, contre les Nouveaux Schismatiques en France ; par un ancien Vicaire Générale*. 8vo. Paris, ch. iii.

## II.

*As to doctor Poynter's unveiling of retired Ladies.*

It is impossible not to express both surprise and concern at doctor Milner's patronizing this idle charge, unworthy of him, and unworthy even of the slightest man. The following is the true statement of the circumstance which gave rise to the charge.

A few weeks before doctor Poynter set off on his journey to Rome, he applied to government in favour of some distressed English communities, who had taken refuge in this country, for a continuation of the succours, or pecuniary allowance made by the British government to the French emigrant clergy, of which these venerable English exiles had been allowed to participate. On the restoration of Lewis XVIII, France was open to all the emigrants, and the British government signified that the general succours should be discontinued. Upon this, doctor Poynter applied to the government for a continuance of those which had been allowed to the distressed English communities. It was intimated to him, that, in consequence of the recent change of circumstances, it would be prudent, as a temporary sacrifice to popular feeling, that the members of those communities for whom this relief was prayed, should abstain, for a time, from exhibiting to the public their religious appellations, and the external marks of their religious state. Accordingly, on the eve of his leaving England for Rome, doctor Poynter gave instructions to the reverend doctor Rigby, his grand-vicar, and to the reverend John Griffiths, that, if circumstances should appear to render it necessary, they should direct the religious ladies in the London district, who stood in need of these succours, to change their religious dress.



In compliance with these directions, doctor Rigby, a few days after doctor Poynter had quitted England, signified this to the ladies whom it concerned.—Such was the “unveiling of retired ladies,” about which there was such a silly and shameful outcry at the time when it took place.

## III.

*As to doctor Poynter's Patronage of the Bible Society.*

THE real origin and object of the roman-catholic board, in their publication of a new edition of doctor Challoner's version of the New Testament,—called in this place by a strange misrepresentation,—“The Patronage of the Bible Society,” are expressed in the concluding paragraph of doctor Poynter's preface to that version.—We shall therefore transcribe it in this place. “With a view of facilitating the means of religious instruction among the roman-catholics of Great Britain, the English catholic board, proposes to raise a fund for the purposes of printing and circulating, at a very cheap rate, an approved edition of the catholic version of the sacred scriptures in English, especially of the New Testament, with notes. It is moreover the intention of the catholic board, if the fund to be collected, be found sufficient for the purpose, to extend its plan, and to provide means of supplying, for the benefit of the poorer catholics, cheap editions of the most approved books of piety and religious instruction.”

## IV.

*The Cisalpine Club.*

SEVERAL accusations have been brought forward by doctor Milner against the Cisalpine Club. He describes it as an “antipapal club,—under fourteen printed rules.” The professed object of it is, he says, “to oppose the

“alleged usurpations of the pope, and the tyranny of  
“the vicars-apostolic.”—We shall transcribe that resolution of the club which describes its object, and leave the reader to judge, whether doctor Milner’s statement of it be accurate.

“At a meeting of the Cisalpine club, held on the 8th  
“of April 1794, the honourable George Petre in the  
“chair, it was resolved unanimously, first, That the institution of the Cisalpine club arose from the conviction, as well of those gentlemen who were the  
“original members, as of those who have since been  
“admitted into it, that it would be highly beneficial to  
“the interests of the English catholics, that some of  
“them should from time to time meet, in order to watch  
“and improve any opportunities that might offer, to  
“advance their further emancipation, but without the  
“most distant pretence of assuming to themselves any  
“degree of power or authority whatever, much less with  
“any intention of interference in spiritual concerns.  
“Second,

“That the fundamental principle of this club has  
“ever been, and is their firm and entire adherence to  
“the protestation\* which they in the year 1789 did, in  
“common with the rest of the English catholics, sign  
“and present to the legislature as a pledge and test of

\* The story of lord Petre’s retractation is entitled to no credit.—It amounts, on the face of it, to nothing.—*It is possible* that his lordship made some declaration, that, *if* he had said or written any thing contrary to the faith or discipline of the roman-catholic church, he was sorry for it and retracted it. This is no more than what every member of the roman-catholic church should have an habitual willingness to profess:—or more than he in fact professes, when he pronounces, with a proper spirit, the article of the creed, “I believe the holy catholic church:”—But such a declaration—if lord Petre made it—does not amount to an admission, that, *he had either said or written any thing contrary to catholic faith or discipline.*—This makes the difference.

“ their loyalty to the king, and to the established constitution of their country : an instrument which they consider as the bond of reconciliation between them and their protestant fellow-subjects ; the basis, under Providence, of that relief which they lately received ; the foundation of their future hopes, and to which they are happy thus again solemnly to declare their full and determined adherence. Third,

“ That this club did assume the name of Cisalpine as a mark of their opposition to those encroachments of the court of Rome on the civil authority, against which their catholic ancestors had been obliged repeatedly to guard, and their abhorrence of the doctrines of the deposing and dispensing powers of the pope, as stated and disclaimed in the protestation ; doctrines which have, for above a century, been distinguished by the names of Ultramontane and Transalpine.”

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WHEN all the catholic prelates of England,—(excepting doctor Milner), and all the catholic prelates of Scotland, were assembled at Durham, in 1811, *the writer addressed to Dr. Poynter,—desiring him to communicate it to the other prelates,—a letter, of which, so far as it respects himself, the following is a literal extract :*

“ My Lord,

“ Understanding your lordship is likely soon to meet Dr. Gibson, Dr. Collingridge, and Dr. Smith, I beg leave to trouble your lordship and them with the following declaration. I make it upon the honour of a gentleman, and with all the sincerity and solemnity, with which a Christian should make a declaration of the kind.



“ 1st, I assure you and them,—that every charge brought against me by Dr. Milner, in any of his former or recent publications, is either absolute invention,—(which applies to the greatest part of them)—or absolute falsehood,—or that misrepresentation, which amounts to falsehood.—I do not except one single charge :

“ 2dly, Particularly in respect to the protestation ;—not one word of it, as it stood originally, or was subsequently corrected, was suggested by me ;—I knew nothing of it, or of any protestation’s being in contemplation, till I received it from two members of the committee, with their directions to send copies of it to the four vicars-apostolic ;—which was immediately done.

“ The control and direction of the measures of the committee, and of the catholic concerns in general, which Dr. Milner ascribes to me, is an absolute chimaera.

“ 3dly, On the veto I have nothing to say in addition to what I have published in my Letter to an Irish Gentleman :—Not one word of which Dr. Milner has refuted\*.

“ 4thly, I have only to add that, in all my literary publications, it has been my earnest wish to recommend the roman-catholic religion ; and I believe it impossible to extract a single line from any of them, contrary to the faith or discipline of the roman-catholic church, or to any opinion which the general body of pious catholics respect.—If *any such* should be pointed out by any one of your lordships, I will

\* This letter does not contain a single word in defence, either of the lawfulness or the expediency of the veto ; its sole object is to show, that the fifth resolution did not bind those, who signed it, to the veto,—or to any specific measure.

“ most certainly retract it without arguing on it; and  
 “ this has ever been my disposition.

“ My lords, with the greatest respect,

“ I have the honour to be,

“ Your lordships

“ Most obedient humble servant.”

“ Aug. 13, 1811.”

### NOTE III.

#### SUCCINCT CHRONOLOGICAL ACCOUNT OF THE VETO.

1799.

#### *The Resolutions of the Irish Prelates, admitting the Veto.\**

AT a meeting of the roman-catholic prelates, held in Dublin on the 17th, 18th and 19th of January in this year, it was resolved that,—“ the candidates elected to  
 “ vacant sees should be presented by the president of  
 “ the election to government; which, within one month  
 “ after such presentation, will transmit the name of the  
 “ said candidate, if no objection be made against him,  
 “ for appointment to the holy see, or return the said  
 “ name to the president of the election, for such trans-  
 “ mission as may be agreed on.

“ If government have any proper objection against  
 “ such candidates, the president of the election will be  
 “ informed thereof within one month after presentation,

\* Hist. Mém. vol. ii. p. 151.

“ who in that case will convene the electors to the election of another candidate.”

Signed by the four titular metropolitan catholic archbishops, and by six titular catholic bishops of Ireland \*.

1808.

*Dr. Milner's note to Mr. Ponsonby, recognising the Veto admitted by the Irish Prelates, and describing its import and extent.*

“ THE catholic prelates of Ireland are willing to give  
“ a direct negative power to his majesty's government,  
“ with respect to the nomination of their titular bishoprics, in such manner, that, when they have among  
“ themselves, resolved who is the fittest person for the  
“ vacant see, they will transmit his name to his majesty's  
“ ministers; and, if the latter should object to that  
“ name, they will transmit *another and another*, until a  
“ name is presented to which no objection is made;—  
“ and,—(which is never likely to be the case),—should  
“ the pope refuse to give those essentially necessary  
“ spiritual powers, of which he is the depositary, to the  
“ person so presented by the catholic bishops, and so  
“ approved by the government, *they will continue to propose names, till one occurs which is agreeable to both*  
“ *parties, namely the crown, and apostolic see.*”

July 1808.

*Dr. Milner's advocacy of the Veto in a Letter to a Parish Priest†.*

TOWARDS the close of July an outcry was raised in Ireland against the veto: doctor Milner advocated its

\* Hist. Mem. vol. ii. p. 176.

† Ib. 184.



lawfulness and expediency, in his celebrated letter to a parish priest, a work of great ability. He closes it by observing, that, "if the prelates should abide by what they had solemnly resolved upon, they will have nothing more to do than what is within their sphere, and what is comparatively easy to be done; namely, to enlighten their people, and show them how grossly they have been imposed upon as to facts and reasonings."

This letter was afterwards explicitly retracted by doctor Milner.

14 September 1808.

*Declaration by the Irish Prelates on the inexpediency of the Veto\*.*

ON the 14th September a convention of the Irish prelates met in Dublin, and "declared it to be *inexpedient* to introduce any alteration in the canonical mode hitherto introduced in the nomination of the Irish roman-catholic bishops."

31 January 1810.

*The fifth Resolution of the English Catholics†.*

ON this day certain resolutions were agreed to at a meeting of English catholics: the 5th was expressed in the following terms:

"That the English roman-catholics, in soliciting the attention of parliament to their petition, are actuated, not more by a sense of hardships and disabilities, under which they labour, than by a desire to secure, on

\* Hist. Mem. vol. ii. p. 189.

† Ib. 191.

“ the most solid foundations, the peace and harmony  
“ of the British empire; and to obtain for themselves  
“ opportunities of manifesting, by the most active exertions, their zeal and interest in the common cause, in  
“ which their country is engaged, for the maintenance  
“ of its freedom and independence; and that they are  
“ firmly persuaded, that adequate provision for the  
“ maintenance of the civil and religious establishment  
“ of this kingdom may be made, consistently with the  
“ strictest adherence, on their part, to the tenets and  
“ discipline of the roman-catholic religion; and that  
“ any arrangement founded on this basis of mutual satisfaction and security, and extending to them the full  
“ enjoyment of the civil constitution of their country,  
“ will meet with their grateful concurrence.”

26 February 1810.

*The sixteenth Resolution of the Irish Prelates.*

“ THAT as to arrangements regarding our church, and  
“ said to be intended for accompanying a proposal  
“ of the emancipation of Irish roman-catholics, prudence  
“ and a regard for our duty forbid us to pronounce a  
“ judgment. However, we declare, that no spirit of  
“ conciliation has ever been wanting on our part; that  
“ we seek for nothing beyond the mere integrity and  
“ safety of the roman-catholic religion, in its christian  
“ faith and communion, and its essential discipline, subordination and moral code; nor may we be justly  
“ reproached for our solicitude in guarding those sacred  
“ things, for which we are bound to watch and bear  
“ testimony with our lives if required.”

16 February 1814.

*Letter of Monsignor Quarantotti\*.*

By a rescript, in the nature of a letter, addressed to the right reverend doctor Poynter, titular bishop of Halia, and vicar-apostolic of the London district, dated the 16th February 1814, *Monsignor Quarantotti* notices the bill, then in agitation for the emancipation of the catholic subjects of his majesty,—being the bill that has been mentioned, and a full account of which has been given in a former chapter.—He then says, that “having taken the advice of the most learned  
“prelates and divines, having examined the letters  
“which had been transmitted to him both by doctor  
“Poynter and the archbishop of Dublin, and the matter  
“having been maturely discussed in a special congre-  
“gation, it was decreed, that the catholics might, with  
“satisfaction and gratitude, accept and embrace the  
“bill which was the last year presented for their eman-  
“cipation, in the form in which doctor Poynter had  
“laid it before him;—it being understood, that the mi-  
“nisters of the catholic church were not forbidden, by  
“the oath contained in it, to preach, instruct, and give  
“counsel, but were only prohibited from disturbing the  
“protestant church or government by violence and  
“arms, or evil artifices of whatever kind.”

17 June 1814.

*Letter of the Pope to the English Catholics†.*

IN this letter his holiness informs the English catho-  
lics, that he had transmitted the rescript of Monsignor  
Quarantotti to a congregation of cardinals, that the  
matter ought to be examined *ab integro*.

\* Hist. Mem. vol. ii. p. 196.

† Ib. 197.



26 April 1815.

*Cardinal Litta's Letter to Doctor Poynter\*.*

By this letter his eminence informs doctor Poynter, that "his holiness will feel no hesitation in allowing those, to whom it appertains, to present to the king's ministers a list of candidates, in order that, if any of them should be obnoxious or suspected, the government might immediately point him out, so as that he might be expunged.—Care however being taken to leave a sufficient number for his holiness to choose therefrom individuals, whom he might deem best qualified in the Lord for governing the vacant churches."

23 and 24 August 1815.

*Further Resolutions of the Irish Prelates respecting the Veto.*

At a meeting of the roman-catholics in Dublin, they came to the following resolution:—that "it is our decided and conscientious conviction, that any power granted to the crown of Great Britain, of interfering directly or indirectly in the appointment of bishops for the roman-catholic church in Ireland, must essentially injure and may eventually subvert the roman-catholic religion in this country.

"That with this conviction, deeply and unalterably fixed in our minds, we should consider ourselves as betraying the dearest interests of that portion of the church, which the Holy Ghost has committed to our care, did we not declare most unequivocally, that we will at all times and under all circumstances, depre-

\* Hist. Mem. vol. ii. p. 198.

“cate and oppose, in every canonical and constitutional way, any such interference.

“Though we sincerely venerate the supreme pontiff, as visible head of the church, we do not conceive that our apprehensions for the safety of the roman-catholic church in Ireland can or ought to be removed by any determination of his holiness, adopted or intended to be adopted, not only without our concurrence, but in direct opposition to our repeated resolutions, and the very energetic memorial presented on our behalf, and so ably supported by our deputy, the most reverend doctor Murray; who, in that quality, was more competent to inform his holiness of the real state and interests of the roman-catholic church in Ireland, than any other with whom he is said to have consulted.”

These resolutions were unanimously agreed to by the four metropolitan archbishops, by doctor Everard the coadjutor of the archbishop of Cashel, by doctor Murray the coadjutor of the archbishop of Dublin, by the bishops of Meath, Cloyne, Clonfert, Kerry, Waterford, Derry, Achonry, Killala, Killaloe, Kilmore, Ferns, Limerick, Elphin, Cork, Downe and Connor, Ossory, Raphoe, Clogher, Dromore, Kildare and Leighlin and Ardagh, and the warden of Galway.

1 February 1816.

*The Pope's Reply\*.*

A copious extract from it, transmitted by the catholic bishops to the catholic board in Ireland, is published in the second volume of the writer's Historical Memoirs,—we beg leave to refer our readers to it.—“With what pain do we find it expressly declared in your letter,” exclaims his holiness, “that the expedient, which among

\* Hist. Mem. vol. ii. App. 486.

“ others for satisfying the government of the loyalty of those to be elected bishops, not only did not meet your approbation, but appeared to threaten destruction to the catholic religion in Ireland.”

His holiness argues this point with the prelates at great length,—and finally bids them “ observe how destitute those, their apprehensions, were, of all reason and of all foundation,”

19 July 1817.

*Remonstrance of the General Board of Catholics in Ireland.*

THIS letter was addressed by the general board of the Irish catholics to his holiness, deprecating any interference of the British government in the nomination to vacant catholic sees, and praying for such “ a concordate with the catholic bishops in Ireland, as will render the election of their successors perfectly domestic and purely catholic ; and will at the same time insure the institution to the person so to be elected.”

21 February 1818.

*The Pope's Reply.*

HIS holiness replied to the board ; he refers them to his letter to the Irish prelates.—“ As to the suspicions and alarms, which,” says his holiness, “ we find from the conclusion of your letter, you entertain concerning the ecclesiastical affairs of your country, *we order you to be at ease.* For you ought to consider that we have viewed and weighed the manner in which we should conduct ourselves in regard to these matters, whenever any opportunity should present itself,”



1819.

*Doctor Milner's opinion of the Bill of 1813.*

IN a letter from doctor Milner, and under his signature\*, the right reverend prelate pronounces it,—  
“ that most infamous bill, the like of which was never  
“ devised by *Cecil*, or *Shaftesbury*, or *Robespierre* him-  
“ self; and which, men, calling themselves whigs and  
“ patriots, and friends of the catholics, hurried through  
“ the house of commons for fear of its being ‘ sifted,’  
“ immediately after the Easter recess, to the end of the  
“ third reading, and the consequent debate upon it.  
“ This bill was contrived with a heart and malice which  
“ none but the *spirits of wickedness in high places*—men-  
“ tioned by St. Paul,—could have suggested, to under-  
“ mine and wither the fair trees of the English and Irish  
“ catholic churches, as effectually as these effects have  
“ been produced on the heretofore flourishing plantation  
“ of *Canada*. A feed and corrupt prelacy was first to be  
“ established; through them the priesthood was to be  
“ overawed and bribed (a thousand pounds being pro-  
“ vided in each island for this purpose,) and, by means  
“ of the clergy, the catholic religion was to be reduced  
“ to that state of schism, or rather infidelity, which is  
“ detailed in sir John Hippisley’s Parliamentary Re-  
“ ports.”

\* Orthodox Journal for March 1819,

## NOTE IV.

*Doctor Poynter's suggestions to the Managers of the Catholic Relief Bill in the House of Commons, on the expression in the Oath of Supremacy, "No foreign Prelate ought to have any Jurisdiction, Power, Superiority, Pre-eminence or Authority, ECCLESIASTICAL or SPIRITUAL within these Realms."*

IF the pope ought not to have *any* ECCLESIASTICAL or SPIRITUAL jurisdiction, &c. within these realms, he ought to have none at all; for he has no *civil* jurisdiction here. The above clause denies the divine right of the pope, as head of the church of Christ, to govern the universal church.

What is the proper and obvious meaning of the terms *ecclesiastical* and *spiritual*?

The term *spiritual* does not here mean the same as incorporeal or internal: but it means that which in nature directly tends to a supernatural end, or is ordained to produce a supernatural effect. Thus sacrifice, which is an external oblation of a sensible victim to God, and the sacraments, which are visible rites, are *spiritual* things, because they tend to the worship of God and to the sanctification of souls. That is called *temporal* which in its nature and institution tends directly to the good order of civil society.

The power of the church is *spiritual*; and the power of the state is *temporal*.

By the term *ecclesiastical* is properly meant whatever in its own nature belongs to the spiritual power and government of the church,—as by the term *civil* is meant whatever in its own nature belongs to the temporal power and government of the state.

This is the proper and limited meaning of the terms *ecclesiastical* and *civil*, when the two powers are in a state of separation from each other and act without any mutual co-operation. Such was the *ecclesiastical* power of the church under the heathen emperors; such was the *civil* power of the Roman state during the same period.

When the two powers are associated together by a friendly concordate, the *ecclesiastical* power has sometimes exercised acts of a *civil* nature, by the *concession* of the state; and the *civil* power has sometimes exercised acts of an *ecclesiastical* nature, by the *concession* of the church. In these cases, the term *ecclesiastical*, when applied to courts and causes of a mixed nature, under the jurisdiction of an ecclesiastical person as judge, is to be understood in a less strict and less proper sense. In this sense some of our courts in England retain the name of *ecclesiastical*. It is not in this mixed sense that the spiritual power of the pope and of catholic bishops in England is now called *ecclesiastical*.

At the change of religion in England the state totally divorced and separated itself from the catholic church, and withdrew every portion of *civil* power from the pope and the catholic clergy, which they had ever exercised in England by the *concession* of the state. Consequently the spiritual powers, which the pope and the catholic clergy now hold and exercise over the catholics in England, are PURELY *ecclesiastical*, without the least mixture of any civil or temporal power whatever.

This power and authority, *purely ecclesiastical*, is that which Christ gave originally to his apostles, and which was, by his ordinance, to be transmitted from them to their legitimate successors to the end of time, for the purpose of enabling them to preach his faith, to promulgate his new law, to administer his sacraments, to govern his church, and to enforce the observance of his



general commands by particular and efficacious regulations. By the exercise of this *ecclesiastical* power the church, from the earliest ages, without the co-operation of the civil power, has issued many laws and ordinances relating to the form of divine worship, to the manner and circumstances of administering or of receiving the sacraments, to the observance of the great christian festivals, to the rules of abstinence and to the fast of Lent, to the impediments and celebration of matrimony, to the conduct of the clergy, to the qualifications requisite for holy orders, to the limits of the jurisdiction of the different orders of the hierarchy, &c. Many such external and purely ecclesiastical regulations were made by the church, and enforced among the faithful in different parts of the world, before the church had anywhere any connection with the state. The object of the church in making them was, to enforce the observance of the commands and institutions of Christ, which are not of a temporal nature, but which tend directly to the worship of God and to the sanctification of the souls of men. The means by which the church enforced the observance of them were not of a *civil* nature, but were *ecclesiastical* and *spiritual*, viz. the influence of her authority and the privation of the benefits of her communion. “*The weapons of our warfare are not carnal.*” 2 Cor. x. iv.

In establishing and enforcing these ecclesiastical laws and regulations, the pope has from the earliest ages borne a principal part. Every catholic must acknowledge that the pope, as head of the church, has ecclesiastical and spiritual authority over all the members of the catholic church. This authority, which he now exercises over the catholics in England, is *PURELY ecclesiastical* and spiritual; it has not the least mixture of any portion of civil or temporal authority annexed to it. It is chiefly exercised here in appointing bishops and

in giving them powers for the spiritual government of the catholics in their respective dioceses or districts, in superintending the religious conduct of the catholics, and in granting dispensations from the ecclesiastical impediments of matrimony, when necessity requires. But this ecclesiastical and spiritual authority of the pope in England, as well as that of the catholic bishops here, is not invested with any civil formality, nor has it any civil effect. In its object, and in its means, it stands in a very *distinct* order from the civil power of the state. This may be illustrated by one or two cases.

A catholic confesses to a priest that he has injured his neighbour in his property or good name. The priest admonishes him of the obligation of making restitution, as far as he is able, to the extent of the injury done, if he wishes to be reconciled to God and to be admitted to the sacraments. The man refuses to make restitution. In this case, the priest can only urge him by advice and by command to comply with this moral obligation, and if he persists in his refusal to do his duty, by refusing to admit him to the participation of the spiritual benefit of the sacraments. But the priest cannot employ any *civil* means, such as imprisonment, fine, &c. to compel him to make the restitution to which he is bound by the law of nature, and by the positive law of God.

In the same manner, the pope cannot enforce in England the observance of a divine or ecclesiastical precept by any civil or temporal punishment, but only by ecclesiastical or spiritual means, such as depriving a catholic clergyman of his spiritual powers, or others of the participation of the sacraments and of the communion of the church.

In cases of impediments of matrimony, on which the laws of England are different from the laws of the catholic church, the laws of the church have their proper

and distinct effect, and are not enforced by any civil means. Suppose then that two catholics, first cousins marry according to the forms of the law of England, their marriage is considered as valid and good according to law, as the degree of first cousins is not a legal impediment: but their marriage is considered by the catholic church as invalid and null, *ab initio*, in conscience and in the sight of God; because the degree of first cousins is an *impedimentum dirimens*, totally annulling the matrimonial contract in the sight of God. In this case, the catholic bishop or priest would inform the parties of the invalidity of their marriage and of the conscientious obligation of their separating. If they refuse to separate, he cannot compel them by any civil means: if they have children, he cannot declare them illegitimate, so as to make them incapable of succeeding to the titles and estates of the father, or of enjoying the temporal benefits of legitimate children. But, if they refuse to separate, the priest can refuse to admit them to the sacraments of the catholic church; and if they have children, these children will be ecclesiastically illegitimate, so as to be incapable of being admitted to holy orders. Hence it appears evidently, that the ecclesiastical and the civil powers are clearly distinct from each other in their means and effects.

Whilst the catholic is bound by the law of God to acknowledge that the king has civil and temporal authority for the government of the state, he is equally bound by the law of Christ to acknowledge that the pope has ecclesiastical and spiritual authority for the government of the catholic church and of all the members of the catholic church wherever they are. If any catholic were to swear that the pope *ought* not to have any ecclesiastical or spiritual authority in England, he would abjure the divine right of the pope to govern the members



of the catholic church, he would abjure the principle of the supremacy of the pope, he would separate himself from the centre of catholic unity and communion, he would *ipso facto* cease to be a catholic.

(Signed) WILLIAM POYNTER, V. A. B.  
4, Castle-street, Holborn,  
March, 5th 1821.

This important document was received by the gentlemen, to whom it was transmitted by doctor Poynter, with the respect to which it was justly entitled. To the active, judicious and conciliating efforts of this prelate, it was principally owing that the explanation of the oath of supremacy was incorporated into the oath, and that the securities were greatly softened: but it should be observed, that in every suggestion, which he made for softening the securities, doctor Poynter always took care to intimate that, even with those alterations, he did not approve of them, however he might think them less objectionable or less oppressive than they were in their original state.

It has not come to the knowledge of the writer, that the securities have been approved of by any of the catholic prelates in England, Ireland or Scotland; or that any prelate, except doctor Coppinger the bishop of Cloyne, and doctor Milner the vicar-apostolic of the midland district, has objected to the oath of supremacy, as it stands in the act, which passed the house of commons. The general opinion of the roman-catholic clergy, on the subject of the oath and securities, may be collected from the following transcriptions of the resolutions entered into by the roman-catholic prelates of the province of Leinster.

At a general meeting of the roman-catholic prelates of the province of Leinster, and of the clergy of the archdiocese of Dublin, held yesterday in the chapel of

St. Michael and St. John.—The most reverend doctor Troy in the chair ;

The following resolutions were unanimously adopted :

“ Resolved, That we have read, with unmingled satisfaction, a bill now in progress through parliament, purporting to provide for the removal of the disqualifications under which his majesty’s roman-catholic subjects now labour, and that we deem it a duty to declare, that the oath of supremacy, as therein modified, may be taken by any roman-catholic, *without violating, in the slightest degree, the principles of his religion.*

“ Resolved, That our hearts are filled with the most lively gratitude towards the right honourable W. C. Plunkett, and those other distinguished statesmen who have lent the aid of their great talents towards obtaining the important boon, therein contemplated, for the roman-catholic people.

“ Resolved, That having read another bill in progress likewise through parliament, and purporting to regulate the intercourse of persons in holy orders, professing the roman-catholic religion, we consider it an act of justice to the liberal and enlightened framers of that bill, to declare our entire conviction, that they were guided in the framing of it, by no unkindly feeling towards the roman-catholic clergy, or no motive of hostility towards our religion, although it appears to us, that were the said bill to be enacted, in its present shape, into a law, it would press upon our order, and upon the essential exercise of the roman-catholic ministry, with great, unnecessary, and injurious severity.

“ Resolved, That the roman-catholic clergy, having solemnly abjured all foreign authority or jurisdiction, in civil matters, within this realm, having moreover sworn allegiance to his majesty, and proved their loyalty by a series of conduct which has been marked,

“ at different times, with the approbation of his majesty’s government ; we submit it to the candour of every unprejudiced man, whether it be just that our confidential communications with the spiritual head of our church, on matters purely religious, should be laid open before persons of a different creed.

“ Resolved, That we have read with the deepest concern the clause which purports to vest in the crown an unlimited negative in the appointment of our bishops,—a power, as appears to us, equivalent in its effects to a right of positive nomination. We humbly conceive that the assumption of such a right, by persons of one religious persuasion to the nomination of the ministers of another, has ever been considered by all denominations of christians, as impeding the free exercise of religion, and invading the rights of conscience ; and that on this principle is founded that wise and necessary clause contained in the bill here-in first mentioned, which provides, That *no person professing the roman-catholic religion*, shall exercise any right of presentation to any ecclesiastical benefice whatsoever of the established church.

“ Resolved, That our venerable archbishop, the most reverend doctor Troy, be requested to make known to the right honourable the earl of Donoughmore and the right honourable W. C. Plunkett, *our conscientious uneasiness*, as herein declared, and to communicate to them our most humble and our most earnest prayer, that they will employ their powerful talents and influence in the houses of which they are respectively members, to obtain from the justice and magnanimity of parliament, such modifications of the aforesaid bill, as shall not allow it to aggrieve the consciences of his majesty’s roman-catholic subjects.

“ Resolved, That these our resolutions be published,



“ without delay, in the Dublin Evening Post, Saunders’s  
 “ News Letter, The Freeman’s Journal, Carrick’s  
 “ Morning Post, and The Dublin Herald.

“ JOHN THOMAS TROY, Chairman.”

The most reverend doctor Troy having left the chair,  
 and the right reverend doctor Doyle having been called  
 thereto, it was—

“ Resolved, That the particular thanks of the meet-  
 “ ing are due and hereby given to his grace the most  
 “ reverend doctor Troy, for his dignified conduct in the  
 “ chair on this occasion, and for his prompt attention,  
 “ at all times, to the interest of religion.

“ J. DOYLE, Chairman.”

#### NOTE V.

*Disabilities to which the Roman-catholics of Ireland are  
 still liable.*

Copied from sir Henry Parnel’s History of the  
 Penal Laws, p. 124.

“ As no further concessions have been made to the  
 “ catholics, it may be as well to enumerate here, as  
 “ in any other place, the various disabilities to which  
 “ they are still liable.

“ *Education.*—They cannot teach schools, unless they  
 “ take the oaths of 13 & 14 Geo. III. c. 35. They  
 “ cannot take protestant scholars, or be ushers to pro-  
 “ testant schoolmasters. 32 Geo. III. c. 20.

“ *Guardianship.*—They cannot be guardians, unless  
 “ they take the oaths of 13 & 14 Geo. III. c. 35. If  
 “ ecclesiastics, they cannot, under any circumstances,

“ be guardians ; nor can any catholic be a guardian to  
 “ a child of a protestant. 30 Geo. III. c. 29.

“ *Marriage.*—If a catholic clergyman marries a pro-  
 “ testant and a catholic, the marriage is null and void,  
 “ and he is liable to suffer death. 32 Geo. III. c. 21.

“ *Self defence.*—No catholic can keep arms, unless  
 “ he possesses a freehold estate of 10 *l.* per annum,  
 “ or a personal estate of 300 *l.* If so qualified, he must  
 “ further qualify himself by taking the oaths of 13  
 “ & 14 Geo. III. c. 35, unless he has a freehold estate  
 “ of 100 *l.* per annum, or a personal estate of 1,000 *l.*  
 “ 33 Geo. III. c. 21.

“ *Exercise of religion.*—The catholic clergy must take  
 “ the oaths of 13 & 14 Geo. III. c. 35, and register their  
 “ place of abode, age, and parish. No chapel can have  
 “ a steeple or bell, no funeral can take place in any  
 “ church or chapel yard, and no rites or ceremonies of  
 “ the religion or habits of their order are permitted,  
 “ except within their several places of worship, or in  
 “ private houses. 21 & 22 Geo. III. c. 24. s. 6.

“ *Property.*—The laws of Anne are in force against  
 “ all catholics who do not take the oaths of 13 & 14  
 “ Geo. III. c. 35, and also against all protestants who  
 “ may have lapsed or become converts to the catholic  
 “ religion.

“ *Franchises.*—No catholic can hold any of the offices  
 “ enumerated in sect. 9, of the Act here inserted of  
 “ 33 Geo. III. c. 21.

“ Catholics cannot sit in parliament. They cannot  
 “ vote at elections for members without taking the oaths  
 “ of 13 & 14 Geo. III. c. 35, and of 33 Geo. III. c. 21.  
 “ They cannot vote at vestries. They cannot be bar-  
 “ risters, attornies, or professors of medicine on sir  
 “ P. Dunne's foundation, without taking the oaths of  
 “ 13 & 14 Geo. III. c. 35, and of 33 Geo. III. c. 21, or  
 “ fowlers and gamekeepers.

*“ Catholic soldiers.—*By the mutiny act, if they refuse  
“ to frequent the church of England worship, when  
“ ordered to do so by their commanding officer, shall,  
“ for the first offence, forfeit twelve pence; and for the  
“ second, not only forfeit twelve pence, but be laid in  
“ irons for twelve hours; and, by the second section,  
“ article 5, of the articles of war, the punishment even  
“ extends to that of death.

“ An Irish catholic officer or soldier, on landing in  
“ Great Britain, Jersey or Guernsey, is immediately  
“ liable to the penalty, among others, by the English  
“ act of 1 Geo. I. c. 13, of forfeiting 300*l*.

“ Catholics are excluded from holding the offices of  
“ governor, deputy governor, or director, of the bank of  
“ Ireland.

“ No part scarcely, in fact, of the penal code is  
“ repealed, but all of it is now the law of the land, and  
“ in full force against those catholics who have not  
“ qualified themselves for relief from its violence, by  
“ taking the oaths of 13 & 14 Geo. III. c. 35, or who  
“ may have lapsed or become converts to the catholic  
“ religion.”



## NOTE VI.

*Oath of Supremacy in the Bill for the relief of the British Catholics, as it passed the House of Commons in 1821.*

IT has been suggested to the writer, that his readers may wish to see the form of the oath of supremacy, as it was finally settled in the bill, which passed the commons. He therefore presents them with a transcription of it, and of the recitals, which immediately preceded it,—and a short abstract of the clauses, by which it was immediately followed.

“ And whereas after due consideration of the situation, dispositions, and conduct of his majesty roman-catholic subjects, it appears just and fitting to communicate to them, the enjoyment of the benefits and advantages, of the constitution and government happily established in this united kingdom, thus putting an end to religious jealousies, consolidating the union between Great Britain and Ireland, and uniting and knitting together the hearts of all his majesty’s subjects in one and the same interest, for the support of his majesty’s person, family, crown and government, and for the defence of their common rights and liberties.

“ And whereas by divers acts passed in the parliaments of Great Britain and Ireland, the oaths of allegiance, supremacy and abjuration, therein provided, are required to be taken for certain purposes therein mentioned; and the said oath of supremacy is expressed in the following terms :

“ I, *A. B.* do swear, that I do from my heart, abhor, detest and abjure, as impious and heretical, that damnable doctrine and position, that princes excommunicated or deprived by the pope, or any authority

“ of the see of Rome, may be deposed or murdered by  
 “ their subjects or any other whatsoever; and I do de-  
 “ clare, that no foreign prince, person, prelate, state, or  
 “ potentate, hath or ought to have any jurisdiction,  
 “ power, superiority, pre-eminence or authority, eccle-  
 “ siastical or spiritual, within this realm.

“ So help me God.”

“ And whereas his majesty’s roman-catholic subjects  
 “ in Great Britain and Ireland are ready and desirous to  
 “ take the said oaths of allegiance and abjuration in com-  
 “ mon with his majesty’s other subjects; but entertain  
 “ scruples with respect to taking the oath of supremacy,  
 “ inasmuch as they apprehend that the same might be  
 “ construed to import a disclaimer of the spiritual autho-  
 “ rity which they ascribe to the pope or church of  
 “ Rome, in matters of religious belief; be it therefore  
 “ enacted by the king’s most excellent majesty, by and  
 “ with the advice and consent of the lords spiritual and  
 “ temporal, and commons, in this present parliament  
 “ assembled, and by the authority of the same, that  
 “ from and after the passing of this act, it shall and  
 “ may be lawful for all or any of his majesty’s roman-  
 “ catholic subjects, in all cases where the said oath  
 “ of supremacy is now by law required to be taken, as  
 “ a qualification for the taking, holding, or enjoying  
 “ any civil right, office or franchise, in lieu and place  
 “ thereof to take, make and subscribe the oath follow-  
 “ ing :

“ I, A. B. do swear, that I do from my heart detest,  
 “ abhor and abjure, as impious and unchristian, the  
 “ doctrine and position, that princes excommunicated  
 “ or deprived by the pope, or any authority of the  
 “ see of Rome, may be deposed or murdered by their  
 “ subjects or any other whatsoever; and I do declare,  
 “ that no foreign prince, person, prelate, state, or poten-

“tate, hath, or ought to have, any jurisdiction, power,  
“superiority, pre-eminence, or authority, ecclesiastical  
“or spiritual, within this realm, that in any manner or  
“for any purpose conflicts or interferes with the duty  
“of full and undivided allegiance, which by the laws of  
“this realm is due to his majesty, his heirs and suc-  
“cessors, from all his subjects, or with the civil  
“duty and obedience which is due to his courts,  
“civil and ecclesiastical, in all matters concerning the  
“legal rights of his subjects, or any of them ; and I do  
“solemnly, in the presence of God, profess, testify,  
“and declare, that I do make this declaration, and  
“every part thereof, in the plain and ordinary sense of  
“the words read unto me without any evasion, equiv-  
“cation, or mental reservation whatsoever.

“So help me God.”

“And that the person so taking, making, and subscrib-  
“ing the same, shall be capable of taking, holding,  
“and enjoying such right, office, and franchise, as fully  
“and effectually to all intents and purposes as if such  
“person had made, taken, and subscribed the said oath  
“of supremacy ; save as hereinafter provided.”

The bill then proceeded to repeal the declarations respecting transubstantiation and popery, and against the invocation of the Virgin Mary and the saints :—

Several provisoes then followed, which expressed that the act should not repeal any laws respecting the succession of the crown,—or the statute of uniformity,—and excluded catholics from holding offices or beneficial places belonging to the established churches,—or any place in any ecclesiastical court of judicature,—or in any cathedral or collegiate establishment,—or in any of the universities,—or in any school of any royal or ecclesiastical foundation,—from exercising any right of presentation,—from advising the crown in the appointment



of ecclesiastical benefices ;—from holding the offices of lord high chancellor, lord keeper, or lord commissioner of the great seal of Great Britain or Ireland, or of lord lieutenant, lord deputy, or other chief governor of Ireland ;—and from voting at parish vestries.

The clauses respecting the negative power of his majesty in the nomination to catholic bishoprics, and for regulating the intercourse between catholics in holy orders with the see of Rome then followed ; these, as has already been observed, in the text, are similar to those introduced into the bill of 1813, but materially softened.

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SUCH, if it had passed the house of lords, would have been the operation of the intended bill, in respect to the civil rights of his majesty's roman-catholic subjects.

By perusing the account, which has been given of the debates upon it in the house of commons, it will appear that several gentlemen, who objected to the bill in the extent, in which it passed that house, were yet willing to consent to a bill in favour of the catholics, if it continued their exclusion from seats in parliament, at the council board, and upon the bench. Such a partial admission of them into the constitution, would certainly be a considerable amelioration of their present condition : the great objection to it, as to every other such limited measure, is, that however it may lessen, it will not remove that general depression, which all the roman-catholic population,—(the very lowest among them quite as much as the very highest)—certainly experience, and which makes the great bitterness of their lot.

A maid servant lately presented herself to be hired

into the family of a protestant nobleman: the steward was perfectly satisfied with the account, which she gave of herself and the character which she produced; but, on hearing from her, that she was a catholic, told her "his master would never have any such cattle in his house," and dismissed her.—Now,—would this language have been used,—this idea entertained if catholics had been admissible, equally with protestants, into the situations, which have been mentioned? It is this equalization of state, that constitutes the general salutariness of the measure of emancipation: the more this equalization is broken into by exceptions, the less salutary the measure must be, and the less generally diffused must be the good, which it produces.

Should such a limited measure be contemplated, the best method of effecting it, will be to abrogate altogether, the declarations in the acts of the 25 & 30 of Chas. II, and to substitute the oath of 1791 instead of the oath of supremacy, as a qualification to catholics, for all offices except those from which the exclusion of them is to be continued.

That the declarations are highly objectionable appears to be generally admitted: it has been suggested, to be a reason for retaining them, that, in fact they are the only real guards which exclude catholics from the offices and situations in question, as the generality of them, it is alleged, would take the oath of supremacy and still deem themselves catholics.

It is true that, as the language of the oath of supremacy is ambiguous, and as an oath is always to be taken in the sense of the propounder, some persons have thought that, if such a legislative interpretation of it should be given, as would impress upon it a construction conformable to catholic doctrine, the catholic church would cease to object to it.

Upon this subject the writer has, in a former part of these memoirs \* stated his own impressions; he feels them confirmed by the recent parliamentary discussions of the catholic question. He still conceives that, notwithstanding the explanations given of the oath of supremacy in the admonition of queen Elizabeth, and the twenty-seventh of the thirty-nine articles, that oath was inconsistent with the doctrine of the catholic church, which teaches that “the pope is by divine right, spiritual head of the church of Christ.”—He thinks the present oath of supremacy still more objectionable; and that, without a legislative interpretation,—and an approbation of that interpretation by the proper spiritual authority,—it cannot be conscientiously taken by catholics.—This, he is confident, is the universal belief of all the members of his church; he therefore hopes, that if the measure of limited relief should ever be contemplated, the suspicion which he has noticed, will not prevent that measure’s being effected by the repeal of the two declarations. The sacredness of an oath, which never should be taken, if the truth of what is sworn to admits of any reasonable doubt †—good sense, which is shocked by the

\* Vol. i. p. 157.

† An oath is one of the most solemn acts of religion, and no one should swear that a particular doctrine is maintained by any description of persons, or that a doctrine is erroneous, unless by a previous examination, or some other previous process, he has convinced himself both of the real existence of the doctrine, and of its error. Now, of the numbers, who, every year make this adjuring declaration, how few have used due diligence to ascertain the truth of what they affirm of the doctrines mentioned in the oath? How few have read the mass? How few have read the expositions given by the catholics themselves, of their doctrines respecting transubstantiation and the invocation of the saints?

“BOSWELL. What do you think of the idolatry of the mass?  
“JOHNSON. Sir, there is no idolatry. They believe God to be  
“there and adore him. BOSWELL. The invocation of the saints?



language of the declarations,—the terms of amity now subsisting between the court of St. James and the Vatican, which renders the declarations an ungentlemanly state paper,—the littleness in wounding unnecessarily the feelings of that large proportion of the community which is catholic,—the injustice and impolicy of continuing any thing in existence which serves to keep prejudice against them alive,—and the wisdom and expediency of every legislative or ministerial measure of graciousness and conciliation,—seem to point out the propriety of repealing altogether these senseless, offensive, and inofficious declarations.

“JOHNSON. They do not worship the saints: they invoke them: “they only ask their prayers.” *The Life of Doctor Johnson by Mr. Boswell, vol. i. p. 561, 2nd Edit.* Citations of passages, in which other eminent protestants, divines of the greatest authority, have made the same acknowledgments, might easily be multiplied.—How then (let the writer ask every reflecting protestant,)—can a person, who has not once thought seriously on the subject, *conscientiously* affirm, with the solemn asseveration of an oath, that transubstantiation and the invocation of saints, are what the statutes describe them? Does the legislature act conscientiously, or wisely, or prudently in requiring such an oath?

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END OF VOL. IV.

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